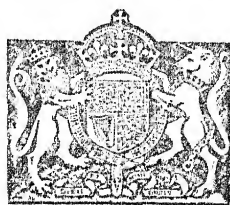
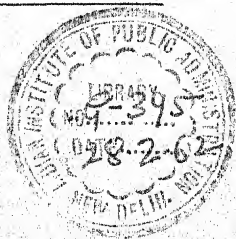


GOVERNMENT OF THE
CENTRAL PROVINCES AND BERAR



THE
JAIL MANUAL
OF THE
CENTRAL PROVINCES & BERAR
VOLUME I

REVISED EDITION, 1946



NAGPUR
GOVERNMENT PRINTING, C. P. & BERAR
1948

PREFACE TO THE 1926 EDITION

The Jail Manual was last revised in 1907. A detailed examination of the Manual disclosed the following defects :—

- (a) Rules under different sections of the Prisons Act and the Prisoners Act, executive instructions and departmental orders were mixed up indiscriminately throughout the Manual.
- (b) Extracts from and paraphrases of various laws bearing on prisons and prisoners were included. This added unnecessarily to the bulk of the volume ; moreover the separation of sections of a law from their context and the paraphrasing of portions of law were likely to lead to misunderstanding.

2. The above defects have now been removed ; this revised edition has been drawn up in a logical order and consists of the following parts :—

Part I.—The Prisons Act and the Prisoners Act.

Part II.—Rules and executive instructions issued by the Government of India under the two Acts.

Part III.—Rules and executive instructions issued by the Local Government under the two Acts.

Part IV.—Rules issued by the Inspector-General of Prisons under sections 31 and 56 of the Prisons Act.

NOTE.—One special feature of the arrangement in Parts II—IV is that rules have been distinguished from executive instructions by means of black lines drawn against the former.

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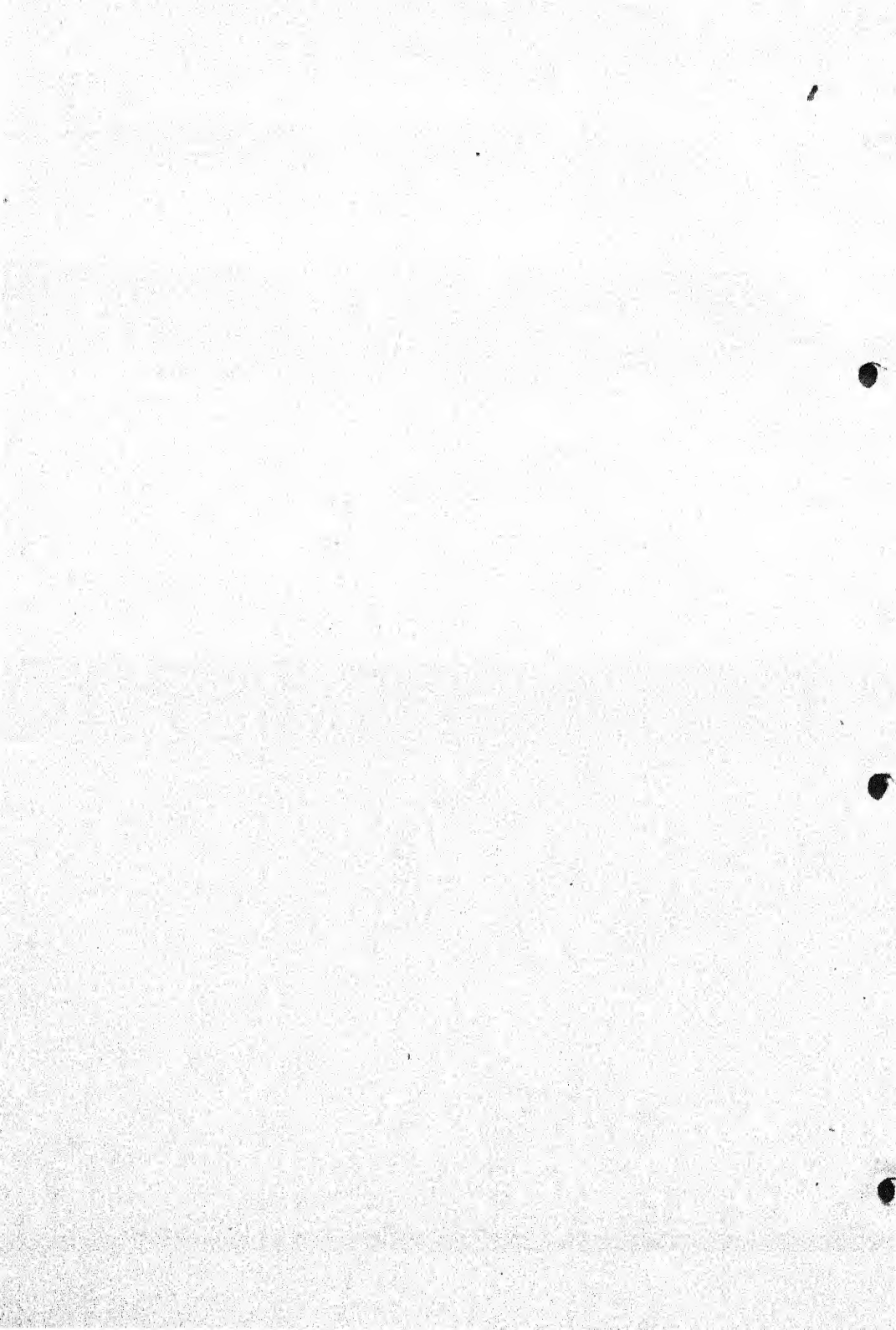
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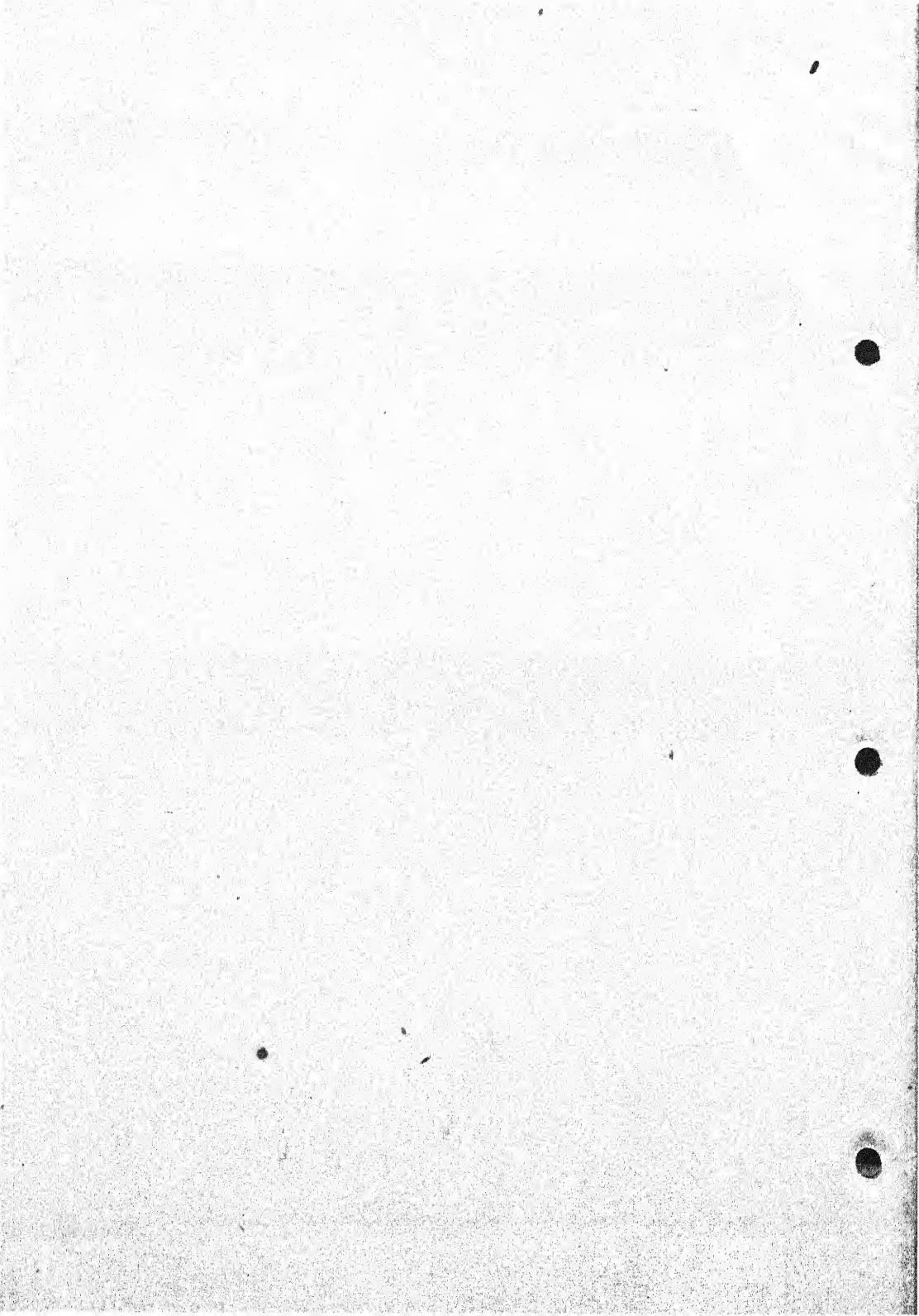
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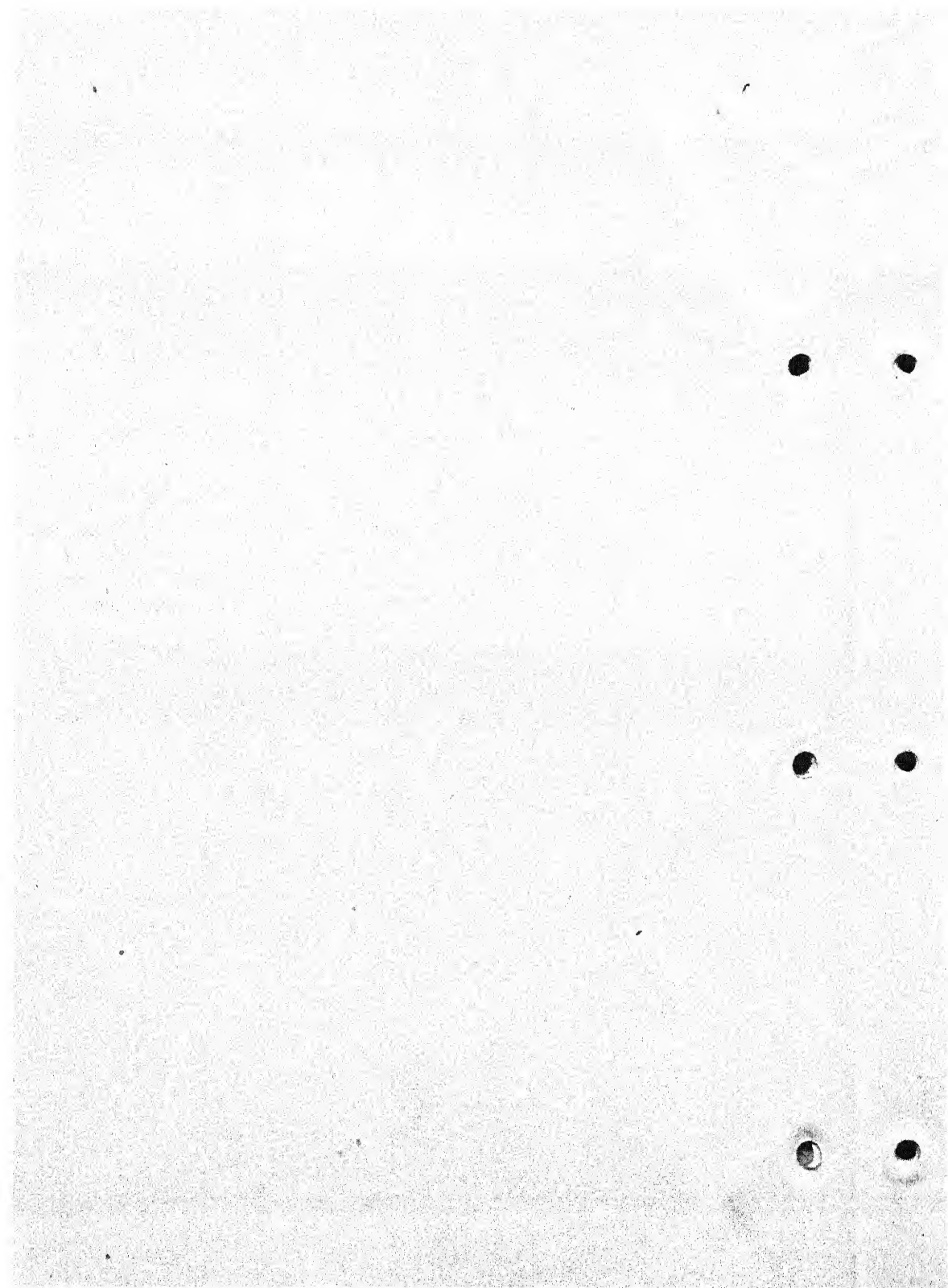
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OF THE

CENTRAL PROVINCES & BERAR

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THE PRISONS ACT, 1894

[As amended]

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ACT No. IX OF 1894

[AS AMENDED BY ACTS XIII OF 1898, XIII OF 1910, X OF 1914, XVII OF 1925 AND VI OF 1930, AND AS CORRECTED BY THE GOVERNMENT OF INDIA (ADAPTATION OF INDIAN LAWS) ORDER, 1937]

THE PRISONS ACT

An Act to amend the law relating to Prisons

Whereas it is expedient to amend the law relating to prisons in British India, and to provide rules for the regulation of such prisons; it is hereby enacted as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Prisons Act, 1894.

(2) It extends to the whole of British India, inclusive of ^{Title, extent and commencement} * [Upper Burma] British Baluchistan, the Sonthal Parganas and the Pargana of Spiti.

(3) It shall come into force on the first day of July, 1894.

(4) Nothing in this Act shall apply to civil jails in the Presidency of Bombay outside the city of Bombay, and those jails shall continue to be administered under the provisions of sections 9 to 16 (both inclusive) of Bombay Act II of 1874, as amended by subsequent enactments.

2. [Repealed] Repealed by the Repealing Act, 1938 (I of 1938), Section 2 and Schedule.

3. In this Act—

(1) "prison" means any jail or place used permanently or temporarily under the general or special orders of a † [Provincial Government] for the detention of prisoners, and includes all lands and buildings appurtenant thereto, but does not include— ^{Definition}

(a) any place for the confinement of prisoners, who are exclusively in the custody of the police;

(b) any place specially appointed by the † [Provincial Government] under section 541 of the Code of Criminal Procedure, 1882†; or

(c) any place which has been declared by † [the Provincial Government], by general or special order, to be a subsidiary jail;

(2) "criminal prisoner" means any prisoner duly committed to custody under the writ, warrant, or order of any Court or authority exercising criminal jurisdiction, or by order of a Court-martial;

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CHAPTER XII

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5. Extramural custody, control and employment of prisoners.
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*The words "Upper" Burma repealed by the Burma Laws Act, 1898 (13 of 1898).

†Substituted by the A. O. for "L. G."

†See now the Code of Criminal Procedure, 1898 (Act V of 1898) as modified

(3) "convicted criminal prisoner" means any criminal prisoner under sentence of a Court or Court-martial, and includes a person detained in prison under the provisions of Chapter VIII of the Code of Criminal Procedure, 1882*, or under the Prisoners Act, 1871†;

(4) "civil prisoner" means any prisoner who is not a criminal prisoner;

(5) "remission system" means the rules for the time being in force regulating the award of marks to, and the consequent remission of sentences of, prisoners in jails;

(6) "history-ticket" means the ticket exhibiting such information as is required in respect of each prisoner by this Act, and the rules thereunder;

(7) "Inspector-General" means the Inspector-General of Prisons;

(8) "Medical Subordinate" means an Assistant Surgeon, Apothecary or qualified Hospital Assistant; and

(9) "prohibited article" means an article the introduction or removal of which into or out of a prison is prohibited by any law under this Act.

CHAPTER II

MAINTENANCE AND OFFICERS OF PRISONS

4. The †[Provincial Government] shall provide, for the prisoners in the territories under such Government, accommodation in prisons constructed and regulated in such manner as to comply with the requisitions of this Act in respect of the separation of prisoners.

5. An Inspector-General shall be appointed for the territories subject to each †[Provincial Government] and shall exercise, subject to the orders of the †[Provincial Government], the general control and superintendence of all prisons situated in the territories under such Government.

6. For every prison there shall be a Superintendent, a Medical Officer (who may also be the Superintendent), a Medical Subordinate, a Jailer and such other officers as †[the Provincial Government] thinks necessary:

Provided that the ‡[Provincial Government of Bombay] may declare by order in writing that in any prison specified in the order the office of Jailer shall be held by the person appointed to be Superintendent.

7. Whenever it appears to the Inspector-General that the number of prisoners in any prison is greater than can conveniently or safely be kept therein, and it is not convenient to transfer the excess number to some other prison,

* See the Code of Criminal Procedure, 1898 (Act V of 1898), as modified by

or whenever from the outbreak of epidemic disease within any prison, or for any other reason, it is desirable to provide for the temporary shelter and safe custody of any prisoners,

provision shall be made, by such officer and in such manner as the *[Provincial Government] may direct, for the shelter and safe custody in temporary prisons of so many of the prisoners as cannot be conveniently or safely kept in the prison.

CHAPTER III

DUTIES OF OFFICERS

Generally.

8. All officers of a prison shall obey the directions of the Superintendent; all officers subordinate to the Jailer shall perform such duties as may be imposed on them by the Jailer with the sanction of the Superintendent or be prescribed by rules under section †[59]. Control and duties of officers of prisons.

9. No officer of a prison shall sell or let, nor shall any person in trust for or employed by him sell or let, or derive any benefit from selling or letting, any article to any prisoner or have any money or other business dealings directly or indirectly with any prisoner. Officers not to have business dealings with prisoners.

10. No officer of a prison shall, nor shall any person in trust for or employed by him, have any interest, direct or indirect, in any contract for the supply of the prison: nor shall he derive any benefit, directly or indirectly, from the sale or purchase of any article on behalf of the prison or belonging to a prisoner. Officers not to be interested in prison contracts.

Superintendent.

11. (1) Subject to the orders of the Inspector-General, the Superintendent shall manage the prison in all matters relating to discipline, labour, expenditure, punishment and control. Superintendent.

(2) Subject to such general or special directions as may be given by the *[Provincial Government], the Superintendent of a prison other than a central prison or a prison situated in a presidency-town shall obey all orders not inconsistent with this Act or any rule thereunder which may be given respecting the prison by the District Magistrate, and shall report to the Inspector-General all such orders and the action taken thereon.

X of 1882. (3) "convicted criminal prisoner" means any criminal prisoner under sentence of a Court or Court-martial, and includes a person detained in prison under the provisions of Chapter VIII of the Code of Criminal Procedure, 1882*, or under the Prisoners Act, 1871†;

(4) "civil prisoner" means any prisoner who is not a criminal prisoner;

(5) "remission system" means the rules for the time being in force regulating the award of marks to, and the consequent shortening of sentences of, prisoners in jails;

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CHAPTER II

MAINTENANCE AND OFFICERS OF PRISONS

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Inspector-General. 5. An Inspector-General shall be appointed for the territories subject to each †[Provincial Government] and shall exercise, subject to the orders of the †[Provincial Government], the general control and superintendence of all prisons situated in the territories under such Government.

Officers of prisons. 6. For every prison there shall be a Superintendent, a Medical Officer (who may also be the Superintendent), a Medical Subordinate, a Jailer and such other officers as †[the Provincial Government] thinks necessary:

Provided that the §[Provincial Government of Bombay] may|| declare by order in writing that in any prison specified in the order the office of Jailer shall be held by the person appointed to be Superintendent.

Temporary accommodation for prisoners. 7. Whenever it appears to the Inspector-General that the number of prisoners in any prison is greater than can conveniently or safely be kept therein, and it is not convenient to transfer the excess number to some other prison,

*See now the Code of Criminal Procedure, 1898 (Act V of 1898), as modified by subsequent enactments.

† See now the Prisoners Act, 1900 (III of 1900), as amended by subsequent enactments.

‡Substituted by the A. O. for "L. G."

§Substituted by the A. O. for "the Government of Bombay in Council."

||The words "with the previous sanction of the Governor-General-in-Council" repealed by the A. O.

or whenever from the outbreak of epidemic disease within any prison, or for any other reason, it is desirable to provide for the temporary shelter and safe custody of any prisoners,

provision shall be made, by such officer and in such manner as the *[Provincial Government] may direct, for the shelter and safe custody in temporary prisons of so many of the prisoners as cannot be conveniently or safely kept in the prison.

CHAPTER III

DUTIES OF OFFICERS

Generally.

8. All officers of a prison shall obey the directions of the Superintendent; all officers subordinate to the Jailer shall perform such duties as may be imposed on them by the Jailer with the sanction of the Superintendent or be prescribed by rules under section †[59].

Control and duties of officers of prisons.

9. No officer of a prison shall sell or let, nor shall any person in trust for or employed by him sell or let, or derive any benefit from selling or letting, any article to any prisoner or have any money or other business dealings directly or indirectly with any prisoner.

Officers not to have business dealings with prisoners.

10. No officer of a prison shall, nor shall any person in trust for or employed by him, have any interest, direct or indirect, in any contract for the supply of the prison: nor shall he derive any benefit, directly or indirectly, from the sale or purchase of any article on behalf of the prison or belonging to a prisoner.

Officers not to be interested in prison contracts.

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11. (1) Subject to the orders of the Inspector-General, the Superintendent shall manage the prison in all matters relating to discipline, labour, expenditure, punishment and control.

Superintendent.

(2) Subject to such general or special directions as may be given by the *[Provincial Government], the Superintendent of a prison other than a central prison or a prison situated in a presidency-town shall obey all orders not inconsistent with this Act or any rule thereunder which may be given respecting the prison by the District Magistrate, and shall report to the Inspector-General all such orders and the action taken thereon.

12. The Superintendent shall keep, or cause to be kept, the following records:—

Records to be kept by Superintendent.

- (1) a register of prisoners admitted;
- (2) a book showing when each prisoner is to be released;
- (3) a punishment book for the entry of the punishments inflicted on prisoners for prison-offences;

*Substituted by the A. O. for "L. G."

†Substituted by the A. O. for "60".

- (4) a visitors' book for the entry of any observations made by the visitors touching any matters connected with the administration of the prison;
- (5) a record of the money and other articles taken from prisoners;
- and all such other records as may be prescribed by rules under section 59.*

Medical Officer.

Duties of
Medical
Officer.

13. Subject to the control of the Superintendent, the Medical Officer shall have charge of the sanitary administration of the prison, and shall perform such duties as may be prescribed by rules made by the †[Provincial Government] under section ‡[59].

Medical
Officer to
report in
certain cases.

14. Whenever the Medical Officer has reason to believe that the mind of a prisoner is, or is likely to be, injuriously affected by the discipline or treatment to which he is subjected, the Medical Officer shall report the case in writing to the Superintendent, together with such observations as he may think proper.

This report, with the orders of the Superintendent thereon, shall forthwith be sent to the Inspector-General for information.

Report on
death of pri-
soner.

15. On the death of any prisoner, the Medical Officer shall forthwith record in a register the following particulars, so far as they can be ascertained, namely:—

- (1) the day on which the deceased first complained of illness or was observed to be ill,
- (2) the labour, if any, on which he was engaged on that day,
- (3) the scale of his diet on that day,
- (4) the day on which he was admitted to hospital,
- (5) the day on which the Medical Officer was first informed of the illness,
- (6) the nature of the disease;
- (7) when the deceased was last seen before his death by the Medical Officer or Medical Subordinate,
- (8) when the prisoner died, and
- (9) (in cases where a *post mortem* examination is made) an account of the appearances after death, together with any special remarks that appear to the Medical Officer to be required.

Jailer.

Jailer:

16. (1) The Jailer shall reside in the prison, unless the Superintendent permits him in writing to reside elsewhere.

(2) The Jailer shall not, without the Inspector-General's sanction in writing, be concerned in any other employment.

*The words and figures " or S-60" repealed by the A. O.

†Substituted by the A. O. for "L. G."

‡Substituted by the A. O. for "60".

17. Upon the death of a prisoner, the Jailer shall give immediate notice thereof to the Superintendent and the Medical Subordinate. Jailer to give notice of death of prisoner.

18. The Jailer shall be responsible for the safe custody of the records to be kept under section 12, for the commitment warrants and all other documents confided to his care, and for the money and other articles taken from prisoners. Responsibility of Jailer.

19. The Jailer shall not be absent from the prison for a night without permission in writing from the Superintendent, but, if absent without leave for a night from unavoidable necessity, he shall immediately report the fact and the cause of it to the Superintendent. Jailer to be present at night.

20. Where a Deputy Jailer or Assistant Jailer is appointed to a prison, he shall, subject to the orders of the Superintendent, be competent to perform any of the duties, and be subject to all the responsibilities, of a Jailer under this Act or any rule thereunder. Powers of Deputy and Assistant Jailers.

Subordinate Officers.

21. The officer acting as gate-keeper, or any other officer of the prison, may examine anything carried in or out of the prison, and may stop and search or cause to be searched any person suspected of bringing any prohibited article into or out of the prison, or of carrying out any property belonging to the prison, and, if any such article or property be found, shall give immediate notice thereof to the Jailer. Duties of gate-keeper.

22. Officers subordinate to the Jailer shall not be absent from the prison without leave from the Superintendent or from the Jailer. Subordinate officers not to be absent without leave.

23. Prisoners who have been appointed as officers of prisons shall be deemed to be public servants within the meaning of the Indian Penal Code, 1860 (XIV of 1860). Convict officers.

CHAPTER IV

ADMISSION, REMOVAL AND DISCHARGE OF PRISONERS

24. (1) Whenever a prisoner is admitted into prison, he shall be searched, and all weapons and prohibited articles shall be taken from him. Prisoners to be examined on admission.

(2) Every criminal prisoner shall also, as soon as possible after admission, be examined under the general or special orders of the Medical Officer, who shall enter or cause to be entered in a book, to be kept by the Jailer, a record of the state of the prisoner's health, and of any wounds or marks on his person, the class of labour he is fit for if sentenced to rigorous imprisonment, and any observations which the Medical Officer thinks fit to add.

(3) In the case of female prisoners, the search and examination shall be carried out by the matron under the general or special orders of the Medical Officer.

Effects of prisoners.

25. All money or other articles in respect whereof no order of a competent Court has been made, and which may with proper authority be brought into the prison by any criminal prisoner or sent to the prison for his use, shall be placed in the custody of the Jailer.

Removal and discharge of prisoners.

26. (1) All prisoners, previously to being removed to any other prison, shall be examined by the Medical Officer.

(2) No prisoner shall be removed from one prison to another unless the Medical Officer certifies that the prisoner is free from any illness rendering him unfit for removal.

(3) No prisoner shall be discharged against his will from prison, if labouring under any acute or dangerous distemper, nor until, in the opinion of the Medical Officer, such discharge is safe.

CHAPTER V

DISCIPLINE OF PRISONERS

Separation of prisoners.

27. The requisitions of this Act with respect to the separation of prisoners are as follows:—

(1) in a prison containing female as well as male prisoners, the females shall be imprisoned in separate buildings, or separate parts of the same building, in such manner as to prevent their seeing, or conversing or holding any intercourse with, the male prisoners;

(2) in a prison where male prisoners under the age of *[twenty-one] are confined, means shall be provided for separating them altogether from the other prisoners and for separating those of them who have arrived at the age of puberty from those who have not;

(3) unconvicted criminal prisoners shall be kept apart from convicted criminal prisoners; and

(4) civil prisoners shall be kept apart from criminal prisoners.

Association and segregation of prisoners.

28. Subject to the requirements of the last foregoing section, convicted criminal prisoners may be confined either in association or individually in cells or partly in one way and partly in the other.

Solitary confinement.

29. No cell shall be used for solitary confinement unless it is furnished with the means of enabling the prisoner to communicate at any time with an officer of the prison, and every prisoner so confined in a cell for more than twenty-four hours, whether as a punishment or otherwise, shall be visited at least once a day by the Medical Officer or Medical Subordinate.

Prisoners under sentence of death.

30. (1) Every prisoner under sentence of death shall, immediately on his arrival in the prison after sentence, be searched by, or by order of, the Jailer, and all articles shall be taken from

*Substituted by the Prisons (Amendment) Act, 1930 (6 of 1930), section 2, for "eighteen".

him which the Jailer deems it dangerous or inexpedient to leave in his possession.

(2) Every such prisoner shall be confined in a cell apart from all other prisoners, and shall be placed by day and by night under the charge of a guard.

CHAPTER VI

FOOD, CLOTHING AND BEDDING OF CIVIL AND UNCONVICTED CRIMINAL PRISONERS

31. A civil prisoner or an unconvicted criminal prisoner shall be permitted to maintain himself, and to purchase, or receive from private sources at proper hours, food, clothing, bedding or other necessities, but subject to examination and to such rules as may be approved by the Inspector-General.

Maintenance of certain prisoners from private sources.

32. No part of any food, clothing, bedding or other necessities belonging to any civil or unconvicted criminal prisoner shall be given, hired or sold to any other prisoner; and any prisoner transgressing the provisions of this section shall lose the privilege of purchasing food or receiving it from private sources, for such time as the Superintendent thinks proper.

Restriction on transfer of food and clothing between certain prisoners.

33. (1) Every civil prisoner and unconvicted criminal prisoner unable to provide himself with sufficient clothing and bedding shall be supplied by the Superintendent with such clothing and bedding as may be necessary.

Supply of clothing and bedding to civil and unconvicted criminal prisoners.

(2) When any civil prisoner has been committed to prison in execution of a decree in favour of a private person, such person, or his representative, shall, within forty-eight hours after the receipt by him of a demand in writing, pay to the Superintendent the cost of the clothing and bedding so supplied to the prisoner; and in default of such payment the prisoner may be released.

CHAPTER VII

EMPLOYMENT OF PRISONERS

34. (1) Civil prisoners may, with the Superintendent's permission, work and follow any trade or profession.

Employment of civil prisoners.

(2) Civil prisoners finding their own implements, and not maintained at the expense of the prison, shall be allowed to receive the whole of their earnings; but the earnings of such as are furnished with implements or are maintained at the expense of the prison shall be subject to a deduction, to be determined by the Superintendent, for the use of implements and the cost of maintenance.

35. (1) No criminal prisoner sentenced to labour or employment on labour at his own desire shall, except on an emergency with the sanction in writing of the Superintendent, be kept to labour for more than nine hours in any one day.

Employment of criminal prisoners.

(2) The Medical Officer shall from time to time examine the labouring prisoners while they are employed, and shall at least once in every fortnight cause to be recorded upon the

history ticket of each prisoner employed on labour the weight of such prisoner at the time.

(3) When the Medical Officer is of opinion that the health of any prisoner suffers from employment on any kind or class of labour, such prisoner shall not be employed on that labour but shall be placed on such other kind or class of labour as the Medical Officer may consider suited for him.

Employment
of criminal
prisoners
sentenced to
simple impris-
onment.

36. Provision shall be made by the Superintendent for the employment (as long as they so desire) of all criminal prisoners sentenced to simple imprisonment; but no prisoner not sentenced to rigorous imprisonment shall be punished for neglect of work excepting by such alteration in the scale of diet as may be established by the rules of the prison in the case of neglect of work by such a prisoner.

CHAPTER VIII

HEALTH OF PRISONERS

Sick pri-
soners.

37. (1) The names of prisoners desiring to see the Medical Subordinate or appearing out of health, in mind or body shall, without delay, be reported by the officer in immediate charge of such prisoners to the Jailer.

(2) The Jailer shall, without delay, call the attention of the Medical Subordinate to any prisoner desiring to see him, or who is ill, or whose state of mind or body appears to require attention, and shall carry into effect all written directions given by the Medical Officer or Medical Subordinate respecting alterations of the discipline or treatment of any such prisoner.

Record of
directions of
Medical
Officers.

38. All directions given by the Medical Officer or Medical Subordinate in relation to any prisoner, with the exception of orders for the supply of medicines or directions relating to such matters as are carried into effect by the Medical Officer himself or under his superintendence, shall be entered day by day in the prisoner's history ticket or in such other record as the * [Provincial Government] may by rule direct, and the Jailer shall make an entry in its proper place stating in respect of each direction the fact of its having been or not having been complied with, accompanied by such observations, if any, as the Jailer thinks fit to make, and the date of the entry.

Hospital.

39. In every prison an hospital or proper place for the reception of sick prisoners shall be provided.

CHAPTER IX

VISITS TO PRISONERS

Visits to civil
and uncon-
victed crimi-
nal prisoners.

40. Due provision shall be made for the admission, at proper times and under proper restrictions, into every prison of persons with whom civil or unconvicted criminal prisoners may desire to communicate, care being taken that, so far as may be consistent with the interests of justice, prisoners under trial may see their duly qualified legal advisers without the presence of any other person.

*Substituted by the A. O. for "L. G."

41. (1) The Jailer may demand the name and address of any visitor to a prisoner, and, when the Jailer has any ground for suspicion, may search any visitor, or cause him to be searched, but the search shall not be made in the presence of any prisoner or of another visitor. Search of visitors.

(2) In case of any such visitor refusing to permit himself to be searched, the Jailer may deny him admission; and the grounds of such proceeding, with the particulars thereof, shall be entered in such record as the *[Provincial Government] may direct.

CHAPTER X

OFFENCES IN RELATION TO PRISONS

42. Whoever, contrary to any rule under section †[59], introduces or removes, or attempts by any means whatever to introduce or remove, into or from any prison, or supplies or attempts to supply to any prisoner outside the limits of a prison, any prohibited article, Penalty for introduction or removal of prohibited articles into or from prison, and communications with prisoners.

and every officer of a prison who, contrary to any such rule, knowingly suffers any such article to be introduced into or removed from any prison, to be possessed by any prisoner, or to be supplied to any prisoner outside the limits of a prison,

and whoever, contrary to any such rule, communicates or attempts to communicate with any prisoner,

and whoever abets any offence made punishable by this section,

shall, on conviction before a Magistrate, be liable to imprisonment for a term not exceeding six months, or to fine not exceeding two hundred rupees, or to both.

43. When any person, in the presence of any officer of a prison, commits any offence specified in the last foregoing section, and refuses on demand of such officer to state his name and residence, or gives a name or residence which such officer knows, or has reason to believe, to be false, such officer may arrest him, and shall without unnecessary delay make him over to a Police-officer, and thereupon such Police-officer shall proceed as if the offence had been committed in his presence. Power to arrest for offence under section 42.

44. The Superintendent shall cause to be affixed, in a conspicuous place outside the prison, a notice in English and the Vernacular setting forth the acts prohibited under section 42 and the penalties incurred by their commission. Publication of penalties.

CHAPTER XI

PRISON OFFENCES

45. The following acts are declared to be prison offences when committed by a prisoner:— Prison offences.

- (1) such wilful disobedience to any regulation of the prison as shall have been declared by rules made under section 59 to be a prison-offence;

*Substituted by the A. O. for "L. G."

†Substituted by the A. O. for "60".

history ticket of each prisoner employed on labour the weight of such prisoner at the time.

(3) When the Medical Officer is of opinion that the health of any prisoner suffers from employment on any kind or class of labour, such prisoner shall not be employed on that labour but shall be placed on such other kind or class of labour as the Medical Officer may consider suited for him.

Employment
of criminal
prisoners
sentenced to
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43. When any person, in the presence of any officer of a prison, commits any offence specified in the last foregoing section, and refuses on demand of such officer to state his name and residence, or gives a name or residence which such officer knows, or has reason to believe, to be false, such officer may arrest him, and shall without unnecessary delay make him over to a Police-officer, and thereupon such Police-officer shall proceed as if the offence had been committed in his presence. Power to arrest for offence under section 42.

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*Substituted by the A. O. for "L. G.".

†Substituted by the A. O. for "60".

- (2) any assault or use of criminal force;
- (3) the use of insulting or threatening language;
- (4) immoral or indecent or disorderly behaviour;
- (5) wilfully disabling himself from labour;
- (6) contumaciously refusing to work;
- (7) filing, cutting, altering or removing handcuffs, fetters or bars without due authority;
- (8) wilful idleness or negligence at work by any prisoner sentenced to rigorous imprisonment;
- (9) wilful mismanagement of work by any prisoner sentenced to rigorous imprisonment;
- (10) wilful damage to prison property;
- (11) tampering with or defacing history-tickets, records or documents;
- (12) receiving, possessing or transferring any prohibited article;
- (13) feigning illness;
- (14) wilfully bringing a false accusation against any officer or prisoner;
- (15) omitting or refusing to report, as soon as it comes to his knowledge, the occurrence of any fire, any plot or conspiracy, any escape, attempt or preparation to escape, and any attack or preparation for attack upon any prisoner or prison official; and
- (16) conspiring to escape, or to assist in escaping, or to commit any other of the offences aforesaid.

Punishment
of such
offences.

46. The Superintendent may examine any person touching any such offence, and determine thereupon, and punish such offence by—

- (1) a formal warning:

Explanation.—A formal warning shall mean a warning personally addressed to a prisoner by the Superintendent and recorded in the punishment-book and on the prisoner's history-ticket;

- (2) change of labour to some more irksome or severe form * [for such period as may be prescribed by rules made by the † (Provincial Government)];
- (3) hard labour for a period not exceeding seven days in the case of convicted criminal prisoners not sentenced to rigorous imprisonment;
- (4) such loss of privileges admissible under the remission system for the time being in force as may be prescribed by rules made by the † [Provincial Government];
- (5) the substitution of gunny or other coarse fabric for clothing of other material, not being woollen, for a period which shall not exceed three months;

*Inserted by S. 2 (a) of the Prisons (Amendment) Act, 1925 (XVII of 1925).

†Substituted by the A. O. for "Governor-General in Council".

- (6) imposition of handcuffs of such pattern and weight, in such manner and for such period, as may be prescribed by rules made by the *[Provincial Government];
- (7) imposition of fetters of such pattern and weight, in such manner and for such period, as may be prescribed by rules made by the *[Provincial Government];
- (8) separate confinement for any period not exceeding †[three] months:

Explanation.—Separate confinement means such confinement with or without labour as secludes a prisoner from communication with, but not from sight of, other prisoners, and allows him not less than one hour's exercise per diem and to have his meals in association with one or more other prisoners;

- (9) penal diet,—that is, restriction of diet in such manner and subject to such conditions regarding labour as may be prescribed by the †[Provincial Government]:

Provided that such restriction of diet shall in no case be applied to a prisoner for more than ninety-six consecutive hours, and shall not be repeated except for a fresh offence nor until after an interval of one week;

- (10) cellular confinement for any period not exceeding fourteen days:

Provided that after each period of cellular confinement an interval of not less duration than such period must elapse before the prisoner is again sentenced to cellular or solitary confinement:

Explanation.—Cellular confinement means such confinement with or without labour as entirely secludes a prisoner from communication with, but not from sight of, other prisoners;

- (11) penal diet as defined in clause (9) combined with §[cellular] confinement;
- (12) whipping, provided that the number of stripes shall not exceed thirty:

Provided that nothing in this section shall render any female or civil prisoner liable to the imposition of any form of handcuffs or fetters, or to whipping.

47. (1) Any two of the punishments enumerated in the last foregoing section may be awarded for any such offence in combination, subject to the following exceptions, namely:—

- (1) formal warning shall not be combined with any other punishment except loss of privileges under clause (4) of that section;
- (2) penal diet shall not be combined with change of labour under clause (2) of that section, nor shall any additional period of penal diet awarded singly be combined with any period of penal diet awarded in combination with §[cellular] confinement;

Plurality of
punishments
under section
46.

*Substituted by the A. O. for "the Governor-General in Council".

†Substituted by S. 2 (b) of Act 17 of 1925 for "six".

‡Substituted by the A. O. for "L. G."

§Substituted by S. 2 of the Prisons (Amendment) Act, 1925, for "solitary".

*[(3) cellular confinement shall not be combined with separate confinement, so as to prolong the total period of seclusion to which the prisoner shall be liable;]

(4) whipping shall not be combined with any other form of punishment except cellular or separate confinement †or loss of privileges admissible under the remission system;

‡[(5) No punishment shall be combined with any other punishment in contravention of rules made by §(the Provincial Government)].

‡[(2) No punishment shall be awarded for any such offence so as to combine, with the punishment awarded for any other such offence, two of the punishments which may not be awarded in combination for any such offence.]

Award of punishments under sections 46 and 47.

48. (1) The Superintendent shall have power to award any of the punishments enumerated in the two last foregoing sections, subject, in the case of separate confinement for a period exceeding one month, to the previous confirmation of the Inspector-General.

(2) No officer subordinate to the Superintendent shall have power to award any punishment whatever.

Punishments to be in accordance with foregoing sections.

49. Except by order of a Court of Justice, no punishment other than the punishments specified in the foregoing sections shall be inflicted on any prisoner, and no punishment shall be inflicted on any prisoner otherwise than in accordance with the provisions of those sections.

Medical Officer to certify to fitness of prisoner for punishment.

50. (1) No punishment of penal diet, either singly or in combination, or of whipping, or of change of labour under section 46, clause (2), shall be executed until the prisoner to whom such punishment has been awarded has been examined by the Medical Officer, who, if he considers the prisoner fit to undergo the punishment, shall certify accordingly in the appropriate column of the punishment-book prescribed in section 12.

(2) If he considers the prisoner unfit to undergo the punishment, he shall in like manner record his opinion in writing and shall state whether the prisoner is absolutely unfit for punishment of the kind awarded, or whether he considers any modification necessary.

(3) In the latter case he shall state what extent of punishment he thinks the prisoner can undergo without injury to his health.

Entries in punishment-books.

51. (1) In the punishment-book prescribed in section 12 there shall be recorded, in respect of every punishment inflicted, the prisoner's name, register number and the class (whether habitual or not) to which he belongs, the prison-offence of which he was guilty, the date on which such prison-offence was committed, the number of previous prison offences recorded against the prisoner, and the date of his last prison-offence, the punishment awarded, and the date of infliction.

*Substituted by the Prisons (Amendment) Act, 1925 (17 of 1925), S. 3, for the original exception (3).

†Amended by Act X of 1914.

‡Inserted by Act 17 of 1925, S. 3.

§Substituted by the A. O. for "Governor-General in Council".

(2) In the case of every serious prison-offence, the names of the witnesses proving the offence shall be recorded, and in the case of offences for which whipping is awarded, the Superintendent shall record the substance of the evidence of the witnesses, the defence of the prisoner, and the finding with the reasons therefor.

(3) Against the entries relating to each punishment the Jailer and Superintendent shall affix their initials as evidence of the correctness of the entries.

52. If any prisoner is guilty of any offence against prison discipline which, by reason of his having frequently committed such offences or otherwise, in the opinion of Superintendent, is not adequately punishable by the infliction of any punishment which he has power under this Act to award, the Superintendent may forward such prisoner to the Court of the District Magistrate or of any Magistrate of the first class * [or Presidency Magistrate] having jurisdiction, together with a statement of the circumstances, and such Magistrate shall thereupon inquire into and try the charge so brought against the prisoner, and, upon conviction, may sentence him to imprisonment which may extend to one year, such term to be in addition to any term for which such prisoner was undergoing imprisonment when he committed such offence, or may sentence him to any of the punishments enumerated in section 46:

Procedure on committal of heinous offence.

† [Provided that any such case may be transferred for inquiry and trial by the District Magistrate to any Magistrate of the first class and by a Chief Presidency Magistrate to any other Presidency Magistrate; and]

Act XIII of 1910.

Provided also that no person shall be punished twice for the same offence.

53. (1) No punishment of whipping shall be inflicted in instalments, or except in the presence of the Superintendent and Medical Officer or Medical Subordinate.

Whipping.

(2) Whipping shall be inflicted with a light ratan not less than half an inch in diameter on the buttocks, and in case of prisoners under the age of sixteen it shall be inflicted, in the way of school discipline, with a lighter ratan.

54. (1) Every Jailer or officer of a prison subordinate to him who shall be guilty of any violation of duty or wilful breach or neglect of any rule or regulation or lawful order made by competent authority, or who shall withdraw from the duties of his office without permission, or without having given previous notice in writing of his intention for the period of two months, or who shall wilfully overstay any leave granted to him, or who shall engage without authority in any employment other than his prison duty, or who shall be guilty of cowardice, shall be liable, on conviction before a Magistrate, to fine not exceeding two hundred rupees, or to imprisonment for a period not exceeding three months, or to both.

Offences by prison subordinates.

No person shall under this section be punished twice for the same offence.

* Inserted the Prisons Amendment Act, 1910 (13 of 1910), S. 2 (1).

† Substituted by S. (2) *ibid* for the original proviso.

CHAPTER XII

MISCELLANEOUS

Extramural
custody,
control and
employment
of prisoners.

55. A prisoner, when being taken to or from any prison in which he may be lawfully confined, or whenever he is working outside or is otherwise beyond the limits of any such prison in or under the lawful custody or control of a prison officer belonging to such prison, shall be deemed to be in prison and shall be subject to all the same incidents as if he were actually in prison.

Confinement
in irons.

56. Whenever the Superintendent considers it necessary (with reference either to the state of the prison or the character of the prisoners) for the safe custody of any prisoners that they should be confined in irons, he may, subject to such rules and instructions as may be laid down by the Inspector-General with the sanction of the *[Provincial Government], so confine them.

Confinement
of prisoners
under sen-
tence of
transporta-
tion in irons.

57. (1) Prisoners under sentence of transportation may, subject to any rules made under section †[59], be confined in fetters for the first three months after admission to prison.

(2) Should the Superintendent consider it necessary, either for the safe custody of the prisoner himself or for any other reason, that fetters should be retained on any such prisoner for more than three months, he shall apply to the Inspector-General for sanction to their retention for the period for which he considers their retention necessary, and the Inspector-General may sanction such retention accordingly.

Prisoners not
to be ironed
by Jailer
except under
necessity.

58. No prisoner shall be put in irons or under mechanical restraint by the Jailer of his own authority, except in case of urgent necessity, in which case notice thereof shall be forthwith given to the Superintendent.

Power to
make rules

59. ‡[The Provincial Government] may make rules consistent with this Act—

- (1) defining the acts which shall constitute prison offences;
- (2) determining the classification of prison offences into serious and minor offences;
- (3) fixing the punishments admissible under this Act which shall be awardable for commission of prison offences or classes thereof;
- (4) declaring the circumstances in which acts constituting both a prison-offence and an offence under the Indian Penal Code may or may not be dealt with as a prison-offence;
- (5) for the award of marks and the shortening of sentences;
- (6) regulating the use of arms against any prisoner or body of prisoners in the case of an outbreak or attempt to escape;

*Substituted by the A. O. for "L. G.".

†Substituted by the A. O. for "60".

‡Substituted by the A. O. for "The Governor-General in Council may for any part in British India and each Local Government with the previous sanction of the Governor-General in Council may for the territories under its administration".

-
- (7) defining the circumstances and regulating the conditions under which prisoners in danger of death may be released;
- *[(8) for the classification of prisons, and description and construction of wards, cells and other places of detention;]
- (9) for the regulation by numbers, length or character of sentences, or otherwise, of the prisoners to be confined in each class of prisons;
- (10) for the government of prisons and for the appointment of all officers appointed under this Act;
- (11) as to the food, bedding and clothing of criminal prisoners and of civil prisoners maintained otherwise than at their own cost;
- (12) for the employment, instruction and control of convicts within or without prisons;
- (13) for defining articles the introduction or removal of which into or out of prisons without due authority is prohibited;
- (14) for classifying and prescribing the forms of labour and regulating the periods of rest from labour;
- (15) for regulating the disposal of the proceeds of the employment of prisoners;
- (16) for regulating the confinement in fetters of prisoners sentenced to transportation;
- (17) for the classification and the separation of prisoners;
- (18) for regulating the confinement of convicted criminal prisoners under section 28;
- (19) for the preparation and maintenance of history tickets;
- (20) for the selection and appointment of prisoners as officers of prisons;
- (21) for rewards for good conduct;
- (22) for regulating the transfer of prisoners whose term of transportation or imprisonment is about to expire, subject, however, to the consent of the Provincial Government of any other province to which a prisoner is to be transferred;
- (23) for the treatment, transfer and disposal of criminal lunatics or recovered criminal lunatics confined in prisons;
- (24) for regulating the transmission of appeals and petitions from prisoners and their communications with their friends;
- (25) for the appointment and guidance of visitors of prisons;

*Substituted by the A. O. for the original clauses (8) and (9).

- (26) for extending any or all of the provisions of this Act and of the rules thereunder to subsidiary jails or special places of confinement appointed under section 541 of the Code of Criminal Procedure, 1882*, and to the officers employed, and the prisoners confined, therein;
- (27) in regard to the admission, custody, employment, dieting, treatment and release of prisoners; and
- (28) generally for carrying into effect the purposes of this Act.

60. †[*Power of Local Government to make Rules.*
Repealed by the A. O.]

Exhibition of
copies of
rules.

61. Copies of rules, under †[section 59] so far as they affect the government of prisons, shall be exhibited, both in English and in the Vernacular, in some place to which all persons employed within a prison have access.

Exercise of
powers of
Superintendent
and
Medical
Officer.

62. All or any of the powers and duties conferred and imposed by this Act on a Superintendent or Medical Officer may in his absence, be exercised and performed by such other officer as the §[Provincial Government] may appoint in this behalf either by name or by his official designation.

The SCHEDULE.—[Enactments Repealed.] Rep. by the Repealing Act, 1938 (I of 1938), S. 2 and Sch.

*See now the Code of Criminal Procedure, 1898 (Act V of 1898).

†This section has been incorporated with slight modifications in clauses (8) to (27) of S. 59.

‡Substituted by the A. O. for "Ss. 59 and 60".

§Substituted by the A. O. for "L. G.".

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THE PRISONERS ACT, 1900 (III OF 1900)

[As amended]

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ACT No. III OF 1900

[AS AMENDED BY ACTS VI OF 1900, I OF 1914, XXXVII OF 1920, XVII OF 1923 AND IV OF 1939] AND AS CORRECTED BY THE GOVERNMENT OF INDIA (ADAPTATION OF INDIAN LAWS) ORDER, 1937, AND THE CENTRAL PROVINCES AND BERAR PRISONERS (AMENDMENT) ACT, 1939

THE PRISONERS ACT

An Act to consolidate the law relating to Prisoners confined by order of a Court

WHEREAS it is expedient to consolidate the law relating to prisoners confined by order of a Court;

It is hereby enacted as follows:—

PART I

PRELIMINARY

Short title
and extent.

63. (1) This Act may be called the Prisoners Act, 1900.

(2) It extends to the whole of British India, inclusive of British Baluchistan, the Santhal Parganas and the Pargana of Spiti. (Section 1.)

Definitions.

64. In this Act, unless there is anything repugnant in the subject or context,—

(a) "Court" includes a Coroner and any officer lawfully exercising civil, criminal or revenue jurisdiction; and

(b) "prison" includes any place which has been declared by the *[Provincial Government], by general or special order, to be a subsidiary jail. (Section 2.)

PART II

GENERAL

Officers in
charge of
prisons to
detain
persons duly
committed
to their
custody.

65. The officer in charge of a prison shall receive and detain all persons duly committed to his custody, under this Act or otherwise, by any Court, according to the exigency of any writ, warrant or order by which such person has been committed, or until such person is discharged or removed in due course of law. (Section 3.)

Officers in
charge of
prisons to
return writs,
etc., after
execution or
discharge.

66. The officer in charge of a prison shall forthwith, after the execution of every such writ, order or warrant as aforesaid other than a warrant of commitment for trial, or after the discharge of the person committed thereby, return such writ, order or warrant to the Court by which the same was issued or made, together with a certificate, endorsed thereon and signed by him, showing how the same has been executed, or why the person committed thereby has been discharged from custody before the execution thereof. (Section 4.)

*Substituted by the A. O. for "L. G."

PART III

PRISONERS IN THE PRESIDENCY-TOWNS

67. Every writ or warrant for the arrest of any person issued by the High Court in the exercise of its ordinary, extraordinary or other criminal jurisdiction shall be directed to and executed by a Police-officer within the local limits of such jurisdiction. (Section 5.)

Warrants, etc., to be directed to Police-officers.

68. The *[Provincial Government] may appoint officers who shall have authority to receive and detain prisoners committed to their custody under this Part.

Power for Provincial Governments to appoint Superintendents of Presidency prisons.

Explanation.—Any officer so appointed, by whatever designation he may be styled, is hereinafter referred to as “the Superintendent”. (Section 6.)

69. Where any person is sentenced by the High Court in the exercise of its original criminal jurisdiction to imprisonment or to death, the Court shall cause him to be delivered to the Superintendent, together with its warrant, and such warrant shall be executed by the Superintendent and returned by him to the High Court when executed. (Section 7.)

Delivery of persons sentenced to imprisonment or death by High Court.

70. Where any person is sentenced by the High Court in the exercise of its original criminal jurisdiction to transportation or penal servitude, the Court shall cause him to be delivered for intermediate custody to the Superintendent, and the transportation or penal servitude of such person shall be deemed to commence from such delivery. (Section 8.)

Delivery of persons sentenced to transportation or penal servitude by High Court.

71. Where any person is committed by the High Court, whether in execution of a decree or for contempt of Court or for any other cause, the Court shall cause him to be delivered to the Superintendent, together with its warrant of commitment. (Section 9.)

Delivery of persons committed by High Court in execution of a decree or for contempt.

72. Where any person is sentenced by a Presidency Magistrate to imprisonment, or is committed to prison for failure to find security to keep the peace or to be of good behaviour, the Magistrate shall cause him to be delivered to the Superintendent, together with his warrant. (Section 10.)

Delivery of persons sentenced by Presidency Magistrates.

73. Every person committed by a Magistrate †[or Justice of the Peace] for trial by the High Court in the exercise of its original criminal jurisdiction shall be delivered to the Superintendent, together with a warrant of commitment, directing the Superintendent to produce such person before the Court for trial; and the Superintendent shall, as soon as practicable, cause such person to be taken before the Court at a criminal session thereof, together with the warrant of commitment, in order that he may be dealt with according to law. (Section 11.)

Delivery of persons committed for trial by High Court.

* substituted by the A. O. for “L. G.”

†Substituted by the Coroners (Amendment) Act, 1908 (4 of 1908), S. 11, for “Justice of the Peace or Coroner”.

Custody pending hearing by High Court under section 350 of the Code of Civil Procedure of application for insolvency.

74. The High Court may, pending the hearing, under section 350* of the Code of Civil Procedure, of any application for a declaration of insolvency, cause the judgment-debtor concerned to be delivered to the Superintendent, subject to the provisions as to release on security of section 349† of the said Code, and the Superintendent shall detain the said judgment-debtor in safe custody until he is re-delivered to an officer of the High Court for the purpose of being taken before it in pursuance of its order, or until he is released in due course of law. (Section 12.)

Delivery of persons arrested in pursuance of warrant of High Court or Civil Court in Presidency-town.

75. (1) Every person arrested in pursuance of a writ, warrant or order of the High Court in the exercise of its original civil jurisdiction, or in pursuance of a warrant of any Civil Court established in a Presidency-town under any law or enactment for the time being in force, or in pursuance of a warrant issued under section 5, shall be brought without delay before the Court by which, or by a Judge of which, the writ, warrant or order was issued, awarded or made, or before a Judge thereof, if the said Court, or a Judge thereof, is then sitting for the exercise of original jurisdiction.

(2) If the said Court, or a Judge thereof, is not then sitting for the exercise of original jurisdiction, such person arrested as aforesaid shall, unless a Judge of the said Court otherwise directs, be delivered to the Superintendent for intermediate custody, and shall be brought before the said Court, or a Judge thereof, at the next sitting of the said Court, or of a Judge thereof, for the exercise of the original jurisdiction, in order that such person may be dealt with according to law; and the said Court or Judge shall have power to make or award all necessary orders or warrants for that purpose. (Section 13.)

PART IV

PRISONERS OUTSIDE THE PRESIDENCY-TOWNS

References in this Part to prisons, etc., to be construed as referring also to Reformatory Schools.

76. In this Part all references to prisons or to imprisonment or confinement shall be construed as referring also to Reformatory Schools or to detention therein. (Section 14.)

Power for officers in charge of prisons to give effect to sentences of certain Courts.

77. (1) Officers in charge of prisons outside the Presidency-towns may give effect to any sentence or order or warrant for the detention of any person passed or issued—

(a) by any Court or tribunal acting, whether within or without British India, under the general or special authority of Her Majesty, or †[of the Central Government, or of the Crown Representative, or of any Provincial Government, or of the Government of Burma]; or

*See new section 24 of the Provincial Insolvency Act, 1920 (Act V of 1920).

†See new section 23 of the Provincial Insolvency Act, 1920 (Act V of 1920).

‡Substituted by the A. O. for "of the Governor-General in Council, or of any Local Government".

(b) by any Court or tribunal in *[any Indian State]—

(i) if the Presiding Judge, or if the Court or tribunal consists of two or more Judges, at least one of the Judges, is an officer of the †[Crown] authorized to sit as such Judge ‡[by the State or the Ruler thereof] or by §[the Central Government or the Crown Representative], and

(ii) if the reception, detention or imprisonment|. . . . in any province of British India of persons sentenced by any such Court or tribunal has been authorized by general or special order by¶|. . . . the **[Provincial Government], ††. . . .; or

(c) by any other Court or tribunal ††[in any Indian State], with the previous sanction §§. . . . of the **[Provincial Government] in the case of each such sentence, order or warrant:

|||[Provided that effect shall not be given to any sentence or order or warrant for detention passed or issued by any Court or tribunal in Burma without the previous sanction of the Provincial Government concerned].

(2) Where a Court or tribunal of such a ¶¶[Ruler] or State has passed a sentence which cannot be executed without the concurrence of an officer of the †[Crown], and such sentence has been considered on the merits and confirmed by any such officer specially authorized in that behalf, such sentence, and any order or warrant issued in pursuance thereof, shall be deemed to be the sentence, order or warrant of a Court or tribunal acting under the authority of §[the Central Government or the Crown Representative]. (Section 15.)

78. A warrant under the official signature of an officer of such Court or tribunal as is referred to in section 15 shall be sufficient authority for holding any person in confinement, or for sending any person for transportation, in pursuance of the sentence passed upon him. (Section 16.)

Warrant of officer of such Court to be sufficient authority.

79. (1) Where an officer in charge of a prison doubts the legality of a warrant or order sent to him for execution under this Part, or the competency of the person whose official seal or signature is affixed thereto to pass the sentence and issue the warrant or order, he shall refer the matter to the **[Provincial Government], by whose order on the case he and all other public officers shall be guided as to the future disposal of the prisoner.

Procedure where officer in charge of prison doubts the legality of warrant sent to him for execution under this Part.

*Substituted by the A. O. for "the territories of any Native Prince or State in India".

†Substituted by the A. O. for "British Government".

‡Substituted by the A. O. for "by the Native Prince or State".

§Substituted by the A. O. for "the Governor-General in Council".

¶The words "in British India or" repealed by the A. O.

¶¶The words "the Governor-General in Council or" repealed by the A. O.

**Substituted by the A. O. for "L. G.".

††The words "as the case may be" repealed by the A. O.

||Substituted by the A. O. for "in the territories of any Native Prince or State in India".

|||The words "of the Governor-General in Council or" repealed by the A. O.

||||Inserted by the A. O.

|||||Substituted by the A. O. for "Native Prince".

(2) Pending a reference made under sub-section (1), the prisoner shall be detained in such manner and with such restrictions or mitigations as may be specified in the warrant or order. (Section 17.)

Execution in British India of certain capital sentences not ordinarily executable there.

80. (1) Where a British Court exercising, in or with respect to territory beyond the limits of British India, jurisdiction which the *[Crown] has in such territory,—

(a) has sentenced any person to death, and

(b) being of opinion that such sentence should, by reason of there being in such territory no secure place for the confinement of such person or no suitable appliances for his execution in a decent and humane manner, be executed in British India, has issued its warrant for the execution of such sentence to the officer in charge of a prison in British India,

such officer shall, on receipt of the warrant, cause the execution to be carried out at such place as may be prescribed therein in the same manner and subject to the same conditions in all respects as if it were a warrant duly issued under the provisions of section 381 of the Code of Criminal Procedure, 1898.

(2) The prisons of which the officers in charge are to execute sentences under any such warrants as aforesaid †[shall in each province be such as the Provincial Government] may, by general or special order, direct.

(3) A Court shall be deemed to be a British Court for the purposes of this section if the presiding Judge, or if the Court consists of two or more Judges, at least one of the Judges, is an officer of the ‡[Crown] authorized to act as such Judge §[by any Indian State or the Ruler thereof or the Central Government or the Crown Representative] :

Provided that every warrant issued under this sub-section by any such tribunal shall, if the tribunal consists of more than one Judge, be signed by a Judge who is an officer of the ‡[Crown] authorized as aforesaid. (Section 18.)

PART V

PERSONS UNDER SENTENCE OF PENAL SERVITUDE

Persons under sentence of penal servitude how to be dealt with.

81. (1) Every person under sentence of penal servitude may be confined in such prison within the ¶[Province] as the ¶¶[Provincial Government], by general order, directs, and may, while so confined, be kept to hard labour and, until he can conveniently be removed to such prison, be imprisoned, with or without hard labour, and dealt with in all other respects as persons under sentence of rigorous imprisonment may, for the time being, by law be dealt with. (Act XXXVIII of 1920.)

*Substituted by the A. O. for "The Governor-General in Council".

†Substituted by the A. O. for "shall be such as the Governor-General in Council or a Local Government authorized by the Governor-General in Council in this behalf".

‡Substituted by the A. O. for "British Government".

§Substituted by the A. O. for "by any Native Prince or State in India or by the Governor-General in Council".

¶ Substituted by the Devolution Act, 1920 (38 of 1920), S. 2, and Sch. for "British India".

¶¶ Substituted by the A. O. for "L. G.".

(2) The time of such intermediate imprisonment, and the time of removal from one prison to another, shall be taken and reckoned in discharge or part discharge of the term of the sentence. (Section 19.)

82. Every enactment now in force in British India with respect to persons under sentence of transportation, or under sentence of imprisonment with hard labour, shall, so far as is consistent with this Act, be construed to apply to persons under sentence of penal servitude. (Section 20.)

Enactments
respecting
persons
under
sentence of
transporta-
tion or im-
prisonment
with hard
labour ap-
plied to per-
sons under
sentence of
penal
servitude.

83. (1) The *[Provincial Government] may grant to any person under sentence of penal servitude a licence to be at large within such part of the province and during such portion of his term of penal servitude as may be specified in the licence and upon such conditions as the †[Provincial Government] may by general or special order prescribe. (Act XXXVIII of 1920.)

Power to
grant licence
to person un-
der sentence
of penal ser-
vitude.

(2) The *[Provincial Government] may revoke or, subject to such conditions, alter any licence granted under sub-section (1). (Section 21.)

84. So long as any licence granted under section 21, sub-section (1), continues in force and unrevoked, the licensee shall not be liable to imprisonment or penal servitude by reason of his sentence, but shall be allowed to go and remain at large according to the terms of the licence. (Section 22.)

Licensee to
be allowed
to go at large.

85. In case of the revocation of any such licence as aforesaid, any Secretary to the *[Provincial Government] may, by order in writing, signify to any Justice of the Peace or Magistrate that the licence has been revoked, and require him to issue a warrant for the arrest of the licensee, and such Justice or Magistrate shall issue his warrant accordingly. (Section 23.) (Act XXXVIII of 1920.)

Apprehen-
sion of
convict
where licence
revoked.

86. A warrant issued under section 23 may be executed by any officer to whom it is directed or delivered for that purpose in any part of British India, and shall have the same force in any place within British India as if it had been originally issued or subsequently endorsed by the Justice of the Peace or Magistrate or other authority having jurisdiction in the place where it is executed. (Section 24.)

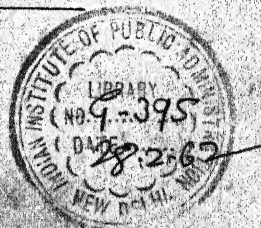
Execution of
warrant.

87. (1) When the licensee, for whose arrest a warrant has been issued under section 23, is arrested thereunder, he shall be brought, as soon as conveniently may be, before the Justice or Magistrate by whom the warrant was issued, or before some other Justice or Magistrate of the same place, or before a Justice or Magistrate having jurisdiction in the district in which the licensee has been arrested.

Licensee
when
arrested to
be brought
up for
recommit-
ment.

*Substituted by the A. O. for "L. G.".

†Substituted by the A. O. for "Governor-General in Council".



(2) Such Justice or Magistrate as aforesaid shall thereupon make out a warrant under his hand and seal for the recommitment of the licensee to the prison from which he was released under the licence. (Section 25.)

Recommitment.

88. When a warrant has been issued under section 25, subsection (2), the licensee shall be recommitted accordingly, and shall thereupon be liable to be kept in penal servitude for such further term as, with the time during which he may have been imprisoned under the original sentence and the time during which he may have been at large under an unrevoked licence, is equal to the term mentioned in the original sentence. (Section 26.)

Penalty for breach of condition of the licence.

89. If a licence is granted under section 21 upon any condition specified therein, and the licensee—

- (a) violates any condition so specified; or
- (b) goes beyond the limits so specified; or
- (c) knowing of the revocation of the licence, neglects forthwith to surrender himself, or conceals himself, or endeavours to avoid arrest;

he shall be liable upon conviction to be sentenced to penal servitude for a term not exceeding the full term of penal servitude mentioned in the original sentence. (Section 27).

PART VI

REMOVAL OF PRISONERS

References in this Part to prisons, etc., to be construed as referring also to Reformatory Schools.

Removal of prisoners.

90. In this Part, all references to prisons or to imprisonment or confinement shall be construed as referring also to Reformatory Schools or to detention therein. (Section 28.)

*[91. (1) The †(Provincial Government) may, by general or special order, provide for the removal of any prisoner confined in a prison—

- (a) under sentence of death, or
- (b) under, or in lieu of, a sentence of imprisonment or transportation, or
- (c) in default of payment of a fine, or
- (d) in default of giving security for keeping the peace or for maintaining good behaviour,

to any other prison in ‡(the Province or with the consent of the Provincial Government concerned), to any prison in any other province] §[or, with the consent of the Crown Representative to any prison maintained by him or under his authority in any part of India]

(2) ||[Subject to the orders, and under the control, of the Provincial Government], the Inspector-General of Prisons may,

*Substituted by the Amending Act, 1903 (II of 1903) S. 3 and Sch. II for the original section.

†Substituted by the A. O. for "Governor-General in Council".

‡Substituted by the A. O. for "British India or to any prison in Berar".

§Substituted by Prisoners (Amendment) Ordinance, 1942 (XV of 1942).

||Substituted by the A. O. for "The L. G. and (subject to its orders and under its control)".

in like manner, provide for the removal of any prisoner confined as aforesaid in a prison in the province to any other prison in the province*. . . .]. (Section 29). (Act XVII of 1923.)

92. (1) Where it appears to the †[Provincial Government] that any person detained or imprisoned under any order or sentence of any Court is of unsound mind, the †[Provincial Government] may, by a warrant setting forth the grounds of belief that the person is of unsound mind, order his removal to a lunatic asylum or other place of safe custody within the province, there to be kept and treated as the †[Provincial Government] directs during the remainder of the term for which he has been ordered or sentenced to be detained or imprisoned, or, if on the expiration of that term it is certified by a Medical Officer that it is necessary for the safety of the prisoner or others that he should be further detained under medical care or treatment, then until he is discharged according to law.

Lunatic
prisoners
how to be
dealt with.

(2) Where it appears to the †[Provincial Government] that the prisoner has become of sound mind, the †[Provincial Government] shall, by a warrant directed to the person having charge of the prisoner, if still liable to be kept in custody, remand him to the prison from which he was removed, or to another prison within the province, or, if the prisoner is no longer liable to be kept in custody, order him to be discharged.

(3) The provisions of section 9 of the Lunatic Asylums Act, 1858†, shall apply to every person confined in a lunatic asylum under sub-section (1) after the expiration of the term for which he was ordered or sentenced to be detained or imprisoned; and the time during which a prisoner is confined in a lunatic asylum under that sub-section shall be reckoned as part of the term of detention or imprisonment which he may have been ordered or sentenced by the Court to undergo.

(4) In any case in which the †[Provincial Government] is competent under sub-section (1) to order the removal of a prisoner to a lunatic asylum or other place of safe custody within the province, the †[Provincial Government] may order his removal to any such asylum or place within any other province or within §[any Indian State] by agreement with the †[Provincial Government] of such other province or with ||[such State or the Ruler thereof], as the case may be; and the provisions of this section respecting the custody, detention, remand and discharge of a prisoner removed under sub-section (1) shall, so far as they can be made applicable, apply to a prisoner removed under this sub-section. (Section 30.)

*The words "or in the case of a prisoner so confined in a prison in the Central Provinces for his removal to any other prison in the province or to any prison in Berar" repealed by the A. O.

†Substituted by the A. O. for "L. G".

‡ See new section 31 of the Indian Lunacy Act, 1912 (IV of 1912).

§Substituted by the A. O. for "the territories of any Native Prince or State in India".

||Substituted by the A. O. for "such Native Prince or State".

93. Section 31 [Removal of prisoners from territories under one Local Government to territories under another]. Repealed by the Amending Act, 1903 (I of 1903). S. 4 and Sch. III.

PART VI-A*

TEMPORARY RELEASE OF PRISONERS

Temporary
release of
prisoners.

93-A. (1) The Provincial Government or any authority to which the Provincial Government may delegate its power in this behalf may, subject to such conditions as may be prescribed by rules, release temporarily for a period not exceeding ten days in a year excluding the time required for journeys and the days of departure from, and the arrival at, the prison, any prisoner who has been sentenced to a term of imprisonment of not less than three years.

(2) The provisions of sub-section (1) shall not apply to a prisoner who has been classified as a habitual criminal for the purpose of the rules for the time being in force made under the Prisons Act, 1894 (IX of 1894), or the same Act, as applied to Berar, and who has had more than three previous convictions.

(3) No prisoner shall be released under sub-section (1) unless—

(a) he has, at the time of his release, served one-half of his sentence including remission or a period of not less than two years of his sentence, including remission, whichever is less;

(b) his conduct in prison has been good; and

(c) twelve months have elapsed from the date of the expiry of the period of his previous release, if any, under this section.

(4) The period of release of a prisoner under sub-section (1) shall not count towards the total period of his sentence (Section 31-A.)

Surrender by
prisoner after
the release
period.

93-B. (1) On the expiry of the period for which a prisoner was released under sub-section (1) of section 31-A he shall surrender himself to the officer in charge of the prison from which he was released.

(2) If a prisoner does not surrender himself as required by sub-section (1), he may be arrested by any Police-officer without a warrant and shall be remanded to undergo the unexpired portion of his sentence. (Section 31-B.)

Penalty.

93-C. Any prisoner who does not surrender himself as required by sub-section (1) of section 31-B shall be liable upon conviction to be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both. (Section 31-C.)

* Introduced by the Central Provinces and Berar Prisoners (Amendment) Act, 1939 (IV of 1939).

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PART VII

PERSONS UNDER SENTENCE OF TRANSPORTATION

94. (1) The *[Provincial Government] may appoint places within †[the province] to which persons under sentence of transportation shall be sent; and the *[Provincial Government], or some officer duly authorized in this behalf by the *[Provincial Government], shall give orders for the removal of such persons to the places so appointed, except when sentence of transportation is passed on a person already undergoing transportation under a sentence previously passed for another offence. (Act XXXVIII of 1920.)

Appointment of places for confinement of persons under sentence of transportation and removal thereto.

(2) In any case in which the *[Provincial Government] is competent under sub-section (1) to appoint places within the province and to order the removal thereto of persons under sentence of transportation, the *[Provincial Government] may appoint such places in any other province by agreement with the *[Provincial Government] of that province, and may by like agreement give orders or duly authorise some officer to give orders for the removal thereto of such persons. (Section 32.) (Act XXXVIII of 1920.)

PART VIII

DISCHARGE OF PRISONERS

95. ‡[Any Court which is a High Court for the purposes of the Government of India Act, 1935] may, in any case in which it has recommended to Her Majesty the granting of a free pardon to any prisoner, permit him to be at liberty on his own recognizance. (Section 33.)

Release, on recognizance, by order of High Court, of prisoner recommended for pardon.

PART IX

PROVISIONS FOR REQUIRING THE ATTENDANCE OF PRISONERS AND OBTAINING THEIR EVIDENCE

Attendance of Prisoners in Court.

96. In this Part, all references to prisons or to imprisonment or confinement shall be construed as referring also to Reformatory Schools or to detention therein. (Section 34.)

References in this part to prisons, etc., to be construed as referring also to Reformatory Schools.

*Substituted by the A. O. for "L.G."

†Substituted by Act 38 of 1920, S. 2 and Sch. I for "British India".

‡Substituted by the A. O. for "Any Court established under the Indian High Courts Act, 1861".

Power for Civil Courts to require appearance of prisoner to give evidence.

97. Subject to the provisions of section 39, any Civil Court may, if it thinks that the evidence of any person confined in any prison within the local limits of its appellate jurisdiction, if it is a High Court, or, if it is not a High Court, then within the local limits of the appellate jurisdiction of the High Court to which it is subordinate, is material in any matter pending before it, make an order in the form set forth in the first schedule, directed to the officer in charge of the prison. (Section 35.)

District Judge in certain cases to countersign orders made under section 35.

98. (1) Where an order under section 35 is made in any civil matter pending—

(a) in a Court subordinate to the District Judge, or

(b) in a Court of Small Causes outside a Presidency-town, it shall not be forwarded to the officer to whom it is directed, or acted upon by him, until it has been submitted to, and countersigned by,—

(i) the District Judge to which the Court is subordinate, or

(ii) the District Judge within the local limits of whose jurisdiction the Court of Small Causes is situate.

(2) Every order submitted to the District Judge under subsection (1) shall be accompanied by a statement, under the hand of the Judge of the Subordinate Court or Court of Small Causes, as the case may be, of the facts which in his opinion render the order necessary, and the District Judge may, after considering such statement, decline to countersign the order. (Section 36.)

Power for certain Criminal Courts to require attendance of prisoner to give evidence or answer to charge.

99. Subject to the provisions of section 39, any Criminal Court may, if it thinks that the evidence of any person confined in any prison within the local limits of its appellate jurisdiction, if it is a High Court, or, if it is not a High Court, then within the local limits of the appellate jurisdiction of the High Court to which it is subordinate, is material in any matter pending before it, or if a charge of an offence against such person is made or pending, make an order in the form set forth in the first or second schedule, as the case may be, directed to the officer in charge of the prison :

Provided that if such Criminal Court is inferior to the Court of a Magistrate of the First Class, the order shall be submitted to, and countersigned by, the District Magistrate to whose Court such Criminal Court is subordinate or within the local limits of whose jurisdiction such Criminal Court is situated (Section 37.)

Order to be transmitted through Magistrate of the district or sub-division in which person is confined.

100. Where any person, for whose attendance an order as in this Part provided is made, is confined in any district other than that in which the Court making or countersigning the order is situate, the order shall be sent by the Court by which it is made or countersigned to the District or Sub-Divisional Magistrate within the local limits of whose jurisdiction the person is confined, and that Magistrate shall cause it to be delivered to the officer in charge of the prison in which the person is confined. (Section 38.)

101. (1) Where a person is confined in a prison within a Presidency-town, or in a prison more than one hundred miles distant from the place where any Court, subordinate to a High Court, in which his evidence is required, is held, the Judge or presiding officer of the Court in which the evidence is so required shall, if he thinks that such person should be removed under this Part for the purpose of giving evidence in such Court, and if the prison is within the local limits of the appellate jurisdiction of the High Court to which such Court is subordinate, apply in writing to the High Court, and the High Court may, if it thinks fit, make an order in the form set forth in the first schedule, directed to the officer in charge of the prison.

Procedure where removal is desired of person confined in Presidency-town or more than one hundred miles from place where evidence is required.

(2) The High Court making an order under sub-section (1) shall send it to the District or Sub-Divisional Magistrate within the local limits of whose jurisdiction the person named therein is confined, or, in the case of a person confined in a prison within a Presidency-town, to the Commissioner of Police, and such Magistrate or Commissioner shall cause it to be delivered to the officer in charge of the prison in which the person is confined. (Section 39.)

102. Where a person is confined in a prison beyond the local limits of the appellate jurisdiction of a High Court, any Judge of such Court may, if he thinks that such person should be removed under this Part for the purpose of answering a charge of an offence or of giving evidence in any criminal matter in such Court or in any Court subordinate thereto, apply in writing to the *[Provincial Government] of the territories within which the prison is situate, and the *[Provincial Government] may, if it thinks fit, direct that the person be so removed, subject to such rules regulating the escort of prisoners as the †[Provincial Government] may prescribe. (Section 40.)

Persons confined beyond limits of appellate jurisdiction of High Court.

103. Upon delivery of any order under this Part to the officer in charge of the prison in which the person named therein is confined, that officer shall cause him to be taken to the Court in which his attendance is required, so as to be present in the Court at the time in such order mentioned, and shall cause him to be detained in custody in or near the Court until he has been examined or until the Judge or presiding officer of the Court authorizes him to be taken back to the prison in which he was confined. (Section 41.)

Prisoner to be brought up.

104. The *[Provincial Government] may, by notification in the †[Official Gazette], direct that any person or any class of persons shall not be removed from the prison in which he or they may be confined, and thereupon, and so long as such notification remains in force, the provisions of this Part other than those contained in sections 44 to 46, shall not apply to such person or class of persons. (Section 42.) (Act XXXVIII of 1920.)

Power to Government to exempt certain prisoners from operation of this Part.

*Substituted by the A. O. for "L.G.,".

†Substituted by the A. O. for "Governor-General in Council".

‡Substituted by the A. O. for "local official Gazette".

Officer in charge of prison when to abstain from carrying out order.

105. In any of the following cases, that is to say,—

- (a) where the person named in any order made under section 35, section 37 or section 39 appears to be, from sickness or other infirmity, unfit to be removed, the officer in charge of the prison in which he is confined shall apply to the District or Sub-Divisional Magistrate within the local limits of whose jurisdiction the prison is situate, and if such Magistrate, by writing under his hand, declares himself to be of opinion that the person named in the order is, from sickness or other infirmity, unfit to be removed; or
- (b) where the person named in any such order is under committal for trial; or
- (c) where the person named in any such order is under a remand pending trial or pending a preliminary investigation; or
- (d) where the person named in any such order is in custody for a period which would expire before the expiration of the time required for removing him under this Part and for taking him back to the prison in which he is confined;

the officer in charge of the prison shall abstain from carrying out the order, and shall send to the Court from which the order has been issued a statement of the reason for so abstaining:

Provided that such officer as aforesaid shall not so abstain where—

- (i) the order has been made under section 37; and
- (ii) the person named in the order is confined under committal for trial, or under a remand pending trial or pending a preliminary investigation, and does not appear to be, from sickness or other infirmity, unfit to be removed; and
- (iii) the place, where the evidence of the person named in the order is required, is not more than five miles distant from the prison in which he is confined. (Section 43.)

Commissions for Examination of Prisoners.

Commissions for examination of prisoners.

106. In any of the following cases, that is to say,—

- (a) where it appears to any Civil Court that the evidence of a person confined in any prison within the local limits of the appellate jurisdiction of such Court, if it is a High Court, or if it is not a High Court, then within the local limits of the appellate jurisdiction of the High Court to which it is subordinate, who, for any of the causes mentioned in section 42 or section 43, cannot be removed, is material in any matter pending before it; or
- (b) where it appears to any such Court as aforesaid that the evidence of a person confined in any prison so situate and more than ten miles distant from the place at which such Court is held, is material in any such matter; or

(c) where the District Judge declines, under section 36, to countersign an order for removal;
the Court may, if it thinks fit, issue a commission, under the provisions of the Code of Civil Procedure, for the examination of the person in the prison in which he is confined. (Section 44.)

107. Where it appears to a High Court that the evidence of a person confined in a prison beyond the local limits of its appellate jurisdiction is material in any civil matter pending before it or before any Court subordinate to it, the High Court may, if it thinks fit, issue a commission, under the provisions of the Code of Civil Procedure, for the examination of the person in the prison in which he is confined. (Section 45.)

Commissions for examination of prisoners beyond limits of appellate jurisdiction of High Court.

108. Every commission for the examination of a person issued under section 44 or section 45 shall be directed to the District Judge within the local limits of whose jurisdiction the prison in which the person is confined is situate, and the District Judge shall commit the execution of the commission to the officer in charge of the prison, or to such other person as he may think fit. (Section 46.)

Commission how to be directed.

Service of Process on Prisoners.

109. When any process directed to any person confined in any prison is issued from any Criminal or Revenue Court, it may be served by exhibiting to the officer in charge of the prison the original of the process and depositing with him a copy thereof. (Section 47.)

Process how served on prisoners.

110. (1) Every officer in charge of a prison upon whom service is made under section 47 shall, as soon as may be, cause the copy of the process deposited with him to be shown and explained to the person to whom it is directed, and shall thereupon endorse upon the process and sign a certificate to the effect that such person as aforesaid is confined in the prison under his charge and has been shown and had explained to him a copy of the process.

Process served to be transmitted at prisoner's request.

(2) Such certificate as aforesaid shall be *prima facie* evidence of the service of the process, and, if the person to whom the process is directed requests that the copy shown and explained to him be sent to any other person and provides the cost of sending it by post, the officer in charge of the prison shall cause it to be so sent. (Section 48.)

Miscellaneous.

111. (1) For the purposes of this Part, the Courts of Small Causes established in the Presidency-towns and the Courts of Presidency Magistrates shall be deemed to be subordinate to the High Court of Judicature at Fort William, Madras or Bombay, as the case may be. (Section 49.)

Application of Part in certain cases

*[(2)]
*[(3)]

*Sub-sections (2) and (3) were repealed by the Lower Burma Courts Act, 1900 (VI of 1900), section 48 and Sch. II.

Deposit of costs.

112. No order in any civil matter shall be made by a Court under any of the provisions of this Part until the amount of the costs and charges of the execution of such order (to be determined by the Court) is deposited in such Court:

Provided that, if upon any application for such order, it appears to the Court to which the application is made, that the applicant has not sufficient means to meet the said costs and charges, the Court may pay the same out of any fund applicable to the contingent expenses of such Court, and every sum so expended may be recovered by the *[Provincial Government] from any person ordered by the Court to pay the same, as if it were costs in a suit recoverable under the Code of Civil Procedure. (Section 50.)

Power to make rules under this Part.

113. (1) The †[Provincial Government] ‡[. . . .] may make rules—

- (a) for regulating the escort of prisoners to and from Courts in which their attendance is required and for their custody during the period of such attendance;
- (b) for regulating the amount to be allowed for the costs and charges of such escort; and
- (c) for the guidance of officers in all other matters connected with the enforcement of this Part.

(2) All rules made under sub-section (1) shall be published in the §[Official Gazette] ¶[. . . .] and shall, from the date of such publication, have the same force as if enacted by this Act. (Section 51.)

Power to declare who shall be deemed officer in charge of prison.

114. The *[Provincial Government] may declare what officer shall, for the purposes of this Part, be deemed to be the officer in charge of a prison. (Section 52.)

[S. 53. Repeals.] Repealed by the Repealing and Amending Act, 1914 (X of 1914), (S. 3 and Sch. II.)

*Substituted by the A. O. for "Government".

†Substituted by the A. O. for "L. G."

‡The words "and in cases arising under, s. 40, the Governor-General in Council" repealed by the A. O.

§Substituted by the A. O. for "local Official Gazette".

¶The words "or the Gazette of India, as the case may be" repealed by the A. O.

THE FIRST SCHEDULE

(See sections 35 and 37.)

Court of

To the officer in charge of the

(state name of prison.)

You are hereby required to produce _____, now a prisoner
 in _____, under safe and sure conduct before the
 Court of _____ at _____ on the _____ day of
 _____ next by _____ of the clock in the forenoon of
 the same day, there to give evidence in a matter now pending before the
 said Court, and after the said _____ has then and
 there given his evidence before the said Court on the said Court has dispensed
 with his further attendance, cause him to be conveyed under safe and sure conduct
 back to the prison.

The

day of

A. B.

(Countersigned) C. D.

THE SECOND SCHEDULE

(See section 37.)

Court of

To the officer in charge of the

(state name of prison).

You are hereby required to produce _____, now a prisoner
 in _____, under safe and sure conduct before the
 Court of _____ at _____ on the _____ day of
 _____ next by _____ of the clock in the forenoon of
 the same day, there to answer a charge now pending before the said Court, and after
 such charge has been disposed of or the said Court has dispensed with his further
 attendance, cause him to be conveyed under safe and sure conduct back to the
 said prison.

The

day of

A. B.

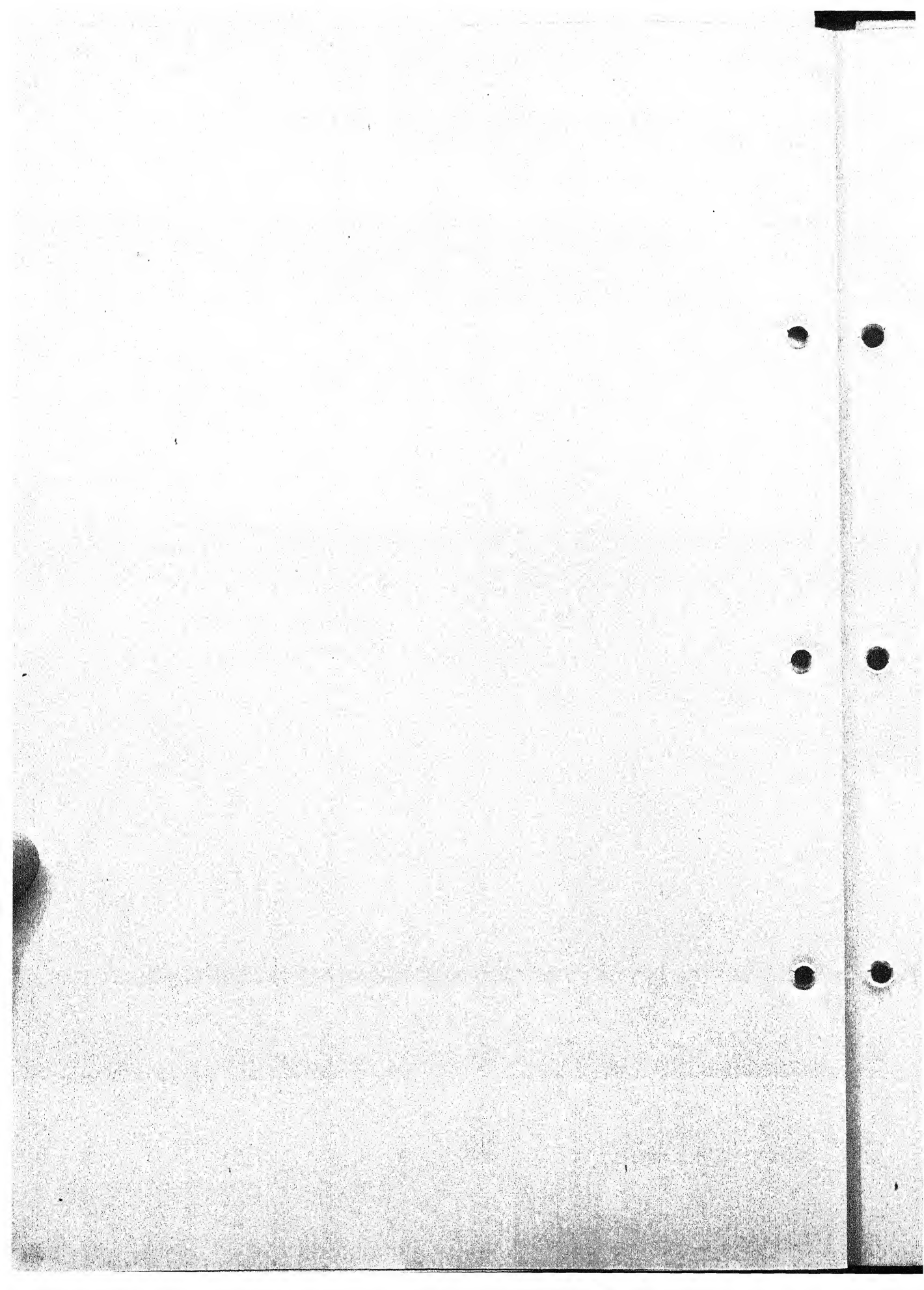
(Countersigned) C. D.

THE THIRD SCHEDULE

Repealed by the Repealing and Amending Act, 1914 (X of 1914), section 3 and
 Schedule II.

PART II

**Rules and Executive Instructions issued
by the Provincial Government under
the Prisons and Prisoners Act**



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CHAPTER III

OFFENCES AND PUNISHMENTS

Rules and executive instructions issued by the Provincial Government under the Prisons Act

App. II to
G. I., H. D.,
Res. No.
161-172, d.
25-6-1908.

115. The following executive instructions have been framed by the Provincial Government with reference to clause (4) of section 46 of the Prisons Act, IX of 1894, regulating the punishment of prison offences by loss of privileges admissible under the remission system :—

Punishment of prison offences by loss of privileges admissible, under remission system.

For a prison offence any of the following punishments involving loss of privileges admissible under the remission system may be awarded :—

- (a) Forfeiture of remission earned.
- (b) Temporary forfeiture of class, grade or prison privileges.
- (c) Temporary or permanent reduction from a higher to lower class or grade.
- (d) Temporary or permanent exclusion from the remission system :

Provided that no order directing the forfeiture of remission in excess of one month shall take effect without the previous sanction of the Inspector-General.

App. I to
G. I., H. D.,
Res. No. 12-
Jails-500-
510, d. 31-8-
1896, and
G. I., H. D.,
Notfn No.
F-503-22, d.
30-10-23.

116. The following rules have been framed by the Provincial Government with reference to clauses (6) and (7) of section 46 of the Prisons Act, IX of 1894, as subsequently amended, regarding the imposition of handcuffs and fetters by way of punishment :—

The imposition of handcuffs and fetters by way of punishment.

Handcuffs imposed by way of punishment (minor punishment No. 9 and major punishment No. 8) shall be iron bar handcuffs weighing, with lock, not more than 2 pounds each, or swivel with spring-catch handcuffs, weighing not more than 1½ pounds each, or chain handcuffs weighing not more than 1 pound each.

Description of handcuffs.

Handcuffs may be imposed—

- (a) On the wrists in front, by day or night for a period of not more than 12 hours at a time, with intervals of not less than 12 hours between each period, and for not more than four consecutive days or nights.
- (b) On the wrist behind, by day only, for a period of not more than six hours in any day of twenty-four hours, and not more than four consecutive days.
- (c) By attaching the handcuffs affixed on the prisoner's wrists to a staple in front of the prisoner, by day, for not more than four consecutive days and for not more than six hours on each day, with an

Imposition of handcuffs.

Do. do.
Sec. 46, Prisons Act,
1894.

interval of at least one hour after the handcuffs have been so attached for three hours :

- (1) Provided that such staple shall not be higher than the prisoner's shoulder nor lower than his waist, and that no prisoner shall be attached by handcuffs to a staple except in the presence of other prisoners :
- (2) Provided further that the punishment referred to in clause (c) shall not be executed until the prisoner to whom the punishment has been awarded has been examined by the medical officer and pronounced to be fit to undergo the punishment :
- (3) Provided, also, that this punishment shall be restricted to cases where the prisoner has been guilty of repeated and wilful violations of any prison rule, and where, in fact, his conduct is evidently due to contumacy.

Shelter from sun.

A prisoner while undergoing punishment in handcuffs shall be under complete shelter from the sun.

Description of fetters.

117. The following classes of fetters may be used in jails :—

- (a) Link fetters composed of a chain and ankle-rings. The total weight of such fetters, including the ankle-rings, shall not exceed 3 pounds, and the chain shall be not less than 2 feet in length.
- (b) Bar fetters composed of two bars joined together by a link and attached to ankle-rings. The total weight of such fetters, including the ankle-rings, shall not exceed 5 pounds, and each bar shall be not less than 20 inches in length.
- (c) Cross-bar fetters composed of a single bar for the purpose of keeping the legs apart and of ankle-rings. The total weight of such fetters, including ankle-rings, shall not exceed 2½ pounds. The length of the bar shall not exceed 16 inches in the case of men who are not less than 5 feet 6 inches in height, or 14 inches in the case of men below this height.

NOTE.—The use of cross-bar fetters should be restricted to extreme cases of violence, and be resorted to as much as a prevention against assault as for punishment. The full period allowed for the imposition of this punishment should be awarded only in exceptional cases.

od for
ch fetters
y be im-
ed.

118. The maximum period for which fetters may be continuously imposed shall be—

- (a) In the case of link-fetters, three months.
- (b) In the case of bar-fetters, three months.
- (c) In the case of cross-bar fetters, two hundred and forty hours.

App. I to
G. I., H. D.,
Res. No. 12-
Jails-500-
510, d. 31-8-
1896, and
G. I., H. D.,
Notfn. No.
F-503-22, d.
30-10-23.

Sec. 46 (7),
Prisons Act,
1894.

G. O. No.
116-P,
d. 7-1-1898.

App. I, Part
III, of G. I.,
H. D., Res.
No. 12-Jails-
500 510,
d. 31-8-1896,
and G. I.,
H. D., Notn.
No. F-503-
22, d.
30-10-23.

Sec. 46 (7),
Prisons Act,
184994.

A period of at least ten days must elapse after fetters of any kind have been imposed as a punishment for a prison offence before they can be again imposed as a punishment for another prison offence, whether of the same kind or not.

Ann. II,
Part I, of
G. L. H. D.,
Res. No. 12-
Jails-500-
510, d
31-8-1896,
and G. L.
H. D., Notfn.
No. F-503-I-
22, d. 30-10-
23.

119. The following rule has been prescribed by the Provincial Government, under section 59 (1) of the Prisons Act, defining the acts which constitute wilful disobedience to any regulation of the prison referred to above:—

Definition of
Act constituting wilful
disobedience
to prison
regulations.

The following acts are forbidden, and every prisoner who wilfully commits any of the following acts shall be deemed to have wilfully disobeyed the regulations of the prison and to have committed a prison offence within the meaning of section 45 of the said Act:—

(1) Talking when at file or at unlocking or at latrine, bathing or other parades, or at any time when ordered by an officer of the prison to desist, and singing, loud laughing and loud talking at any time.

Acts declared
to be prison
offences by
rule made
under the
Prisons Act,
IX of 1894.

(2) Quarrelling with any other prisoner.

(3) Secreting any article whatever.

(4) Showing disrespect to any jail officer or visitor.

(5) Making groundless complaints.

(6) Answering untruthfully any question put by an officer of the prison or a visitor.

(7) Holding any communication (in writing, by word of mouth or otherwise) with an outsider, with a prisoner of the opposite sex, civil or undertrial prisoner or a prisoner of a different class, in disobedience of the regulations of the prison.

(8) Abetting the commission of any prison offence.

(9) Omitting to assist in the maintenance of discipline by reporting any prison offence, or to give assistance to an officer of the prison when called on to do so.

(10) Doing any act or using any language calculated to wound or offend the feelings and prejudices of a fellow-prisoner.

(11) Doing any act calculated to create any unnecessary alarm in the minds of the prisoners or officers of the prison.

(12) Leaving without permission of an officer of the prison the gang to which he is attached, or the part of the prison in which he is confined.

(13) Leaving without permission of an officer of the prison the ward, the yard, the place in file, the seat or berth assigned to him.

(14) Loitering about the yards or lingering in the wards when these are open.

(15) Omitting or refusing to march in file when moving about the prison.

- (16) Visiting the latrines or bathing platforms except at stated hours, or without permission of an officer of the prison, or resorting unnecessarily to the night latrine, or omitting or refusing to employ dry earth in the manner directed by the prison regulations.
- (17) Refusing to eat food, or the food prescribed by the prison diet scale. C. P. Govt.,
Jail Dept.,
letter No.
226-194-V
(a), d.
25-3-35.
- (18) Eating or appropriating any food not assigned to him, or taking from or adding to the portions assigned to other prisoners.
- (19) Removing without permission of an officer of the prison food from the cook-room or godowns or from the place where meals are served, or disobeying any order as to the issue and distribution of food and drink.
- (20) Wilfully destroying food or throwing it away without orders.
- (21) Introducing into food or drink anything likely to render it unpalatable or unwholesome.
- (22) Omitting or refusing to wear the clothing given to him or exchanging any portion of it for the clothing of other prisoners, or losing, discarding, damaging, or altering any part of it.
- (23) Removing, defacing, or altering any distinctive number, mark or badge attached to, or worn on, the clothing or person.
- (24) Omitting or refusing to keep the person clean, or disobeying any order regulating the cutting of hair or nails.
- (25) Omitting or refusing to keep clean his clothing, blankets, bedding, fetters, brass tumbler, iron cups or platters or breast* ticket or other identification token, or disobeying any order as to the arrangement or disposition of such articles. *C. P. Govt.,
Jail Dept.,
letter No.
182-16-V (a)
d. 2-2-22.
- (26) Tampering in any way with prison locks, lamps or lights or other property with which he has no concern.
- (27) Stealing the prison clothing or any part of the prison kit of any other prisoner.
- (28) Committing a nuisance in any part of the prison.
- (29) Spitting on or otherwise soiling any floor, door, wall, or other part of the prison building or any article in the prison.
- (30) Wilfully befouling the wells, latrines, washing or bathing places.
- (31) Damaging the trees and vegetables in the garden of the jail, or maltreating the prison cattle.
- (32) Omitting or refusing to take due care of all prison property entrusted to him.
- (33) Omitting or refusing to take due care of, or injuring, destroying or misappropriating the materials and implements entrusted to him for work.

(34) Omitting to report at once any loss, breakage or injury which he may accidentally have caused to prison property or implements.

(35) Manufacturing any article without the knowledge or permission of an officer of the prison.

(36) Performing any portion of the task allotted to another prisoner, or obtaining the assistance of another prisoner in the performance of his own task.

(37) Appropriating any portion of the task performed by another prisoner.

(38) Mixing or adding any foreign substance to the materials issued for work.

(39) Doing or omitting to do any act with intent to cause to himself, any illness, injury, or disability.

(40) Causing, or omitting to assist in suppressing violence or insubordination of any kind.

(41) Taking part in any attack upon any prisoner or officer of the prison.

(42) Omitting or refusing to help any officer of the prison in case of an attempted escape or of an attack upon such officer or upon another prisoner.

(43) Disobeying any lawful order of an officer of the prison or omitting or refusing to perform duties in the manner prescribed.

G. I., H. D.,
Res. No. 12-
Jails-500-
510, d. 31-8-
1896

Do. do.
(para. 4).

120. The following executive instruction has been framed by the Provincial Government with reference to clause (2) of section 59 of the Prisons Act, IX of 1894, regarding the classification of prison offences into minor and serious offences:—

An offence shall be deemed a minor offence when it is dealt with by a minor punishment (see classification of punishments in rule 121 below), and a serious offence when dealt with by a major punishment; and in the annual returns offences shall be classified as (1) offences dealt with by *major* punishments, and (2) offences dealt with by *minor* punishments.

Classification
of prison
offences into
minor and
serious.

Minor and
serious
offences how
dealt with.

App. III,
G. I., H. D.,
Res. No. 12-
161-172, d.
25-6-08, and
G. I., H. D.,
letter No. F.
503-22-
Jails, d.
9-11-23.

121. The following executive instructions have been framed by the Provincial Government under clause (3) of section 59 of the Prisons Act, IX of 1894, regarding the classification of minor and major punishments enumerated in section 46 of the said Act including those prescribed by the Provincial Government under section 46, clauses (4), (6) and (7):—

Minor punishments—

- (1) formal warning;
- (2) change of labour for a stated period to some more irksome or severe form;
- (3) forfeiture of remission earned, not exceeding 4 days;
- (4) forfeiture of class, grade, or prison privileges for a period not exceeding 3 months;
- (5) temporary reduction from higher to a lower class or grade;

Classification
of major and
minor
punishments.

Minor
punishments.

- (6) penal diet with or without cellular confinement not exceeding 48 hours;
- (7) cellular confinement for not more than 7 days;
- (8) separate confinement for not more than 14 days;
- (9) imposition of handcuffs otherwise than by handcuffing a prisoner behind or to a staple;
- (10) imposition of link-fetters for not more than 30 days; and
- (11) substitution of gunny or other coarse clothing for the portion of the ordinary prison dress which is not woollen.

**Major
punishments.**

Major punishments—

- (1) hard labour in the case of prisoners not sentenced to rigorous imprisonment;
- (2) (a) forfeiture of remission earned, exceeding 4 days but not exceeding one month;
- (b) forfeiture of remission earned, in excess of one month;
- (c) forfeiture of class, grade, or prison privileges for a period exceeding 3 months;
- (d) exclusion from the remission system for a period not exceeding 3 months;
- (e) exclusion from the remission system for a period exceeding 3 months;
- (f) permanent reduction from a higher to a lower class or grade;
- (3) cellular confinement for a period exceeding 7 days;
- (4) separate confinement for a period exceeding 14 days;
- (5) link-fetters, if imposed for more than 30 days;
- (6) bar-fetters;
- (7) cross-bar fetters;
- (8) handcuffing behind or to a staple;
- (9) penal diet combined with cellular confinement for more than 48 hours;
- (10) whipping; and
- (11) any combination of minor punishments admissible under section 47 of the Act.

App. III,
G. I., H. D
Res. No.
161-172, d.
25-6-08.

G. I., H. D.,
letter No. F-
503-22-Jails,
d. 9-11-23.

NOTE I.—The major punishment 2 (b) and any combination of the major punishments 2 (b), 2 (c) and 2 (e), shall not be awarded by the Superintendent of a prison without the previous sanction of the Inspector-General of Prisons.

NOTE II.—The following punishments shall not be carried out in combination even when awarded at different times for different offences : (a) penal diet with whipping, (b) penal diet with standing handcuffs, (c) standing handcuffs with cross-bar fetters, and (d) cross-bar fetters with bar fetters.

Do. do.

App. II,
Part III, of
G. I., H. D.,
Res. No. 12-
Jails-500-
510, d.
31-8-96.

122. The following rules have been framed by the Provincial Government under clause (4) of section 59 of the Prisons Act, IX of 1894, declaring the circumstances in which acts constituting both a prison-offence and an offence under the Indian Penal Code may or may not be dealt with as a prison offence :—

Acts constituting both prison offences and offences under I.P.C. how dealt with.

Sec. 59 (4),
Prisons Act,
IX of 1894.

(1) When in the opinion of the Superintendent any of the following offences are established against any prisoner, he shall refer the case to the Magistrate exercising jurisdiction for enquiry in accordance with the Code of Criminal Procedure, 1898 :—

Reference to Magistrate in certain cases.

- (i) Offences punishable under sections 147, 148 and 152 of the Indian Penal Code.
- (ii) Offences punishable under sections 222, 223 and 224 of the Indian Penal Code.
- (iii) Offences punishable under sections 304-A, 309, 325 and 326 of the Indian Penal Code.
- (iv) Any offence triable exclusively by the Court of Session.

NOTE.—The offences referred to in this rule are as follows :—

Section 147 of the I. P. C.—Rioting.

„	148	„	„	Rioting armed with a deadly weapon.
„	152	„	„	Assaulting or obstructing or using criminal force to public servant when suppressing riot or threatening or attempting to do so.
„	222	„	„	Intentional omission to apprehend on the part of a public servant or intentionally aiding or suffering to escape any person lawfully committed to custody.
„	223	„	„	Escape negligently suffered by a public servant.
„	224	„	„	Resistance or obstruction to lawful apprehension, or escape or attempt to escape from lawful custody.
„	304-A	„	„	Causing death by a rash or negligent act.
„	309	„	„	Attempting to commit suicide.
„	325	„	„	Voluntarily causing grievous hurt.
„	326	„	„	Voluntarily causing grievous hurt by dangerous weapons or means.

(2) It shall be in the discretion of the Superintendent to determine, with respect to any other act which constitutes both a prison offence and an offence under the Indian Penal Code, whether he will use his own powers of punishment or move the Magistrate exercising jurisdiction to enquire into it in accordance with the Code of Criminal Procedure, 1898.

Power of Superintendent in other cases.

Seckt. Jail
Dept. memo.
No. 1423-
1064-III,
d. 31-11-42.

123. The Superintendent of the Jail may use or require to be used such force as may in his opinion be necessary to compel obedience on the part of any male prisoner to any lawful order issued by him.

Remission of sentences.	124. The following rules have been framed by the Provincial Government under section 59 (3) and (4) of the Prisons Act regarding offences and punishments :—	G. I., H. D., Res. No. 161-172 (Jails), d. 25-6-08.
Infringement of jail rules.	Every infringement of jail rules shall be brought to the notice of the Superintendent, who shall decide whether the infringement reported was committed in such circumstances, e.g., wilfully or without excuse, as to constitute an offence. If the Superintendent is of opinion that the infringement of rule was committed through ignorance or excusable carelessness, he shall admonish the prisoner and dismiss the charge without recording it in the punishment register. But if he finds it to be an offence, he shall award some punishment, and have it recorded in the punishment register, giving all details required by the rules.	H. D. Res. No. 234-245 (Jails), d. 12-7-10. H. D. Res. No. 1058-C-1071-C, d. 22-12-14. H. D. Notfn. No. Jails-F-503-2-22, d. 30-10-22.
Formal warning not to be combined with other punishments.	125. A "formal warning" is deemed to be punishment and shall be personally addressed to the offender by the Superintendent. In all but very exceptional cases the punishment for a first offence should be first "formal warning". A formal warning shall not be combined with any other punishment.	
Punishment of "change of labour".	126. "Change of labour" [minor punishment No. (2) referred to in rule 121] can be awarded only to prisoners undergoing rigorous imprisonment, and is a punishment suitable for persistent short work or idleness; but may be given also for other offences. It may be given for a definite time or until good behaviour.	
Punishment of forfeiture of remissions.	127. Petty offences such as short work, etc., are, unless frequently repeated, adequately punished, in the case of prisoners coming under the remission system, by loss of remission. The meaning of this punishment is better understood by prisoners if the number of days of imprisonment corresponding with the remission lost is stated at the time the punishment is awarded. This punishment should be used for minor offences in preference to all others as long as the prisoner has any remission to his credit.	
Forfeiture of remission.	128. Whenever application is made to the Inspector-General for sanction to the forfeiture of remission exceeding one month, full particulars of the offence and of the remission the prisoner has earned, and a brief statement of his previous history, accompanied by his descriptive roll, shall be submitted.	
Forfeiture of privileges under the remission system.	129. Forfeiture of prison privileges under the remission system includes any of the special privileges allowed to convict-warders, convict-overseers and convict-watchmen by the rules in this Chapter. One or more of these privileges may be suspended. When awarding this punishment or reduction of class or grade [minor punishments Nos. (4) and (5) and major punishment No. (2) (f) referred to in rule 121], the Superintendent shall record whether it is to be permanent, or, for what period.	
Punishment of gunny clothing.	130. Gunny clothing [minor punishment No. (11)] is a suitable punishment for offences Nos. (20), (22), (24) and (25) referred to in rule 119. This punishment shall not be awarded	

for more than three months at a time, and a period of 14 days shall elapse after the completion of any term for which this punishment is awarded before it is again inflicted for a new offence. The male prisoner's gunny clothing shall consist of a tunic and pair of *jangiahs*. All other clothing, except the blanket coat and a loin-cloth, shall be taken from male prisoners undergoing this punishment, and the gunny clothing shall be worn next the skin. In cold weather the blanket coat shall be worn over the gunny tunic. In the case of females a gunny petticoat shall be worn next the skin, and they shall retain the cotton sari, kurtah, loin-cloth and blanket coat. Prisoners who have gunny clothing shall wash it weekly and keep it clean.

131. Fetters of every description shall always be kept bright and polished, and soft leather, blanket or canvas gaiters shall be allowed to prevent abrasion of the skin. Link and bar fetters may be suspended to the waist by a strip of leather, no string or rope being allowed for the purpose. When fetters become worn or thin in any part, they shall at once be changed. Prisoners shall not be put to work the country oil-mill whilst in fetters.

Fetters.

132. The outer batten door of the cell yard in cells built on the standard plan shall be left open, and a prisoner undergoing the punishment of separate confinement shall have not less than one hour's exercise daily in the common passage in front of the cells or other sufficient space under the eye of a paid warder, and shall have his meals in association with one or more other prisoners. Superintendents may award separate confinement up to 30 days. If any period in excess of this up to 6 months is deemed necessary, the order of the Inspector-General shall be obtained. When submitting an application for such order the Superintendent shall forward a certificate of the Medical Officer, of the fitness of the prisoner to undergo separate confinement for the period recommended. If the Medical Officer be the Superintendent he shall not be bound to make a separate entry under this rule; it will be assumed that in giving the sentence he has duly considered the prisoner's health.

Punishment of separate confinement.

133. "Penal diet" shall consist of one pound of flour daily boiled as a porridge, seasoned with $\frac{1}{2}$ chatak of salt, and given in two meals. Prisoners on penal diet shall not receive the early morning meal. Penal diet shall in no case be applied to a prisoner for more than ninety-six consecutive hours, and shall not be repeated except for a fresh offence nor until after an interval of one week. This punishment should be sparingly resorted to, and not at all if the prisoners as a body are unhealthy or deteriorating in health, as shown by the fortnightly weighments. Penal diet may be combined with solitary confinement. Prisoners ordered penal diet when not combined with solitary confinement shall be fed quite apart from others. Sunday is a suitable day for awarding prisoners penal diet; in serious cases the punishment may be continued for four consecutive Sundays. All prisoners subjected to the penal diet shall be visited daily by the Medical Officer who has authority to direct the discontinuance of the penal diet, whenever he may observe or have reason to apprehend any injurious effects.

Penal diet.

Punishment
of cellular
confinement.

134. Cellular confinement may be awarded for not more than fourteen days, and after each period of cellular confinement an interval of not less duration than such period shall elapse before the prisoner is again sentenced to other cellular or solitary confinement. The convict-cell attendants shall have access to his cell to give the prisoner his food and attend to conservancy, but the prisoner shall have his meals alone, and bathe in his cell yard.

Offences for
which whip-
ping to be
awarded as
jail punish-
ment.

135. The punishment of whipping shall be inflicted only for mutiny or for conduct seriously affecting the discipline of the prison or for incitement thereto, for serious assaults on any public servant or visitor, or, after other punishments have failed, for other offences of a specially grave nature. The number of stripes shall never be less than fifteen and must never exceed thirty. For cases in which the Medical Officer certifies that a prisoner is unable to bear fifteen stripes, some other form of punishment should be adopted.

Sectt. Jail
Dept. memo.
No. 161-
550-III, d.
30-3-38.

Stripes.

NOTE.—In the case of juvenile offenders the number of stripes inflicted shall never exceed fifteen.

Special
report of
whipping.

136. A special report, based on the record required by section 51 of the Prisons Act, 1894, to be made in the punishment book on every case in which whipping has been inflicted, shall be promptly submitted to the Inspector-General of Prisons by the Superintendent of the Jail.

Punishment
of whipping
for special
classes of
prisoners.

137. The punishment of whipping shall not be inflicted on "A" and "B" class prisoners, except with the permission of the Provincial Government.

Punishment
of whipping.

138. No prisoner shall be punished with whipping within a week after any previous infliction of whipping, or until any sores caused by a previous whipping are entirely healed.

NOTE 1.—To prevent undue laceration of the skin, a piece of thin cloth soaked in some antiseptic—a solution of carbolic acid in water (of the strength of carbolic acid in forty parts of solution)—should be spread over the prisoners' buttocks during the operation. All such cloths should be thoroughly washed and afterwards soaked in an antiseptic solution before being again brought into use, so as to obviate the possibility of disease of any kind being conveyed from one prisoner to another.

NOTE 2.—The "drawing stroke" which is calculated to lacerate the flesh is prohibited.

Penal diet,
whipping,
change of
labour.

139. No punishment of penal diet, either singly or in combination, or of whipping, or of change of labour [minor punishment No. (2)] or of hard labour in the case of a prisoner sentenced to simple imprisonment [major punishment No. (1)], shall be executed until the prisoner to whom such punishment has been awarded has been examined by the Medical Officer and has been certified by him to be fit to undergo such punishment. The Medical Officer shall record his certificate in the punishment register. If the Medical Officer considers the prisoner unfit to undergo the punishment, he shall record his opinion in writing and state whether the prisoner is absolutely unfit for punishment of the kind awarded or whether he considers any modification necessary. In the latter case he shall state what extent of punishment he thinks the prisoner can undergo without injury to his health. If the Medical Officer be the Superintendent, he shall

not be bound to make a separate entry under this rule. It will be assumed that in giving the sentence he has duly considered the prisoner's health.

140. Any civil prisoner assaulting or insulting another prisoner or jail officer, or quarrelling or talking loudly and boisterously, or guilty of indecent or immoral conduct, or communicating with outsiders in an unauthorized manner, or bribing or attempting to bribe any jail officer, or gambling, or spitting about and soiling the ward, verandah or passages or disobeying the orders of, or showing disrespect to, the jail authorities in any way may be punished by minor punishments Nos. 1, 4 and 7, or major punishment No. 4, or may be punished according to any law in force.

Punishment
to civil
prisoner.

141. The rules relating to jail offences and punishments that are applicable to convicted criminal prisoners shall be applicable to under-trial prisoners, prisoners sentenced to simple imprisonment, female convicted prisoners, juvenile and juvenile adult prisoners.

Application
of rules
regarding jail
offences and
punishment
to certain
prisoners.

NOTE.—Before administering whipping to under-trial prisoners the consent of the magistrate of the district shall be obtained.

Exceptions.—(a) Prisoners sentenced to simple imprisonment shall not be punished for neglect of work or short work or refusing to work otherwise than the alteration of their diet from the labouring to the non-labouring scale. The following punishment shall not be applied to such prisoners, namely, minor punishments Nos. (2) to (5) and major punishment No. (2) unless the prisoner is under the remission system.

Punishment
to prisoners
sentenced to
simple im-
prisonment.

(b) No female or civil prisoner shall be liable to whipping as a punishment for a prison offence.

Whipping to
female or
civil
prisoners.

CHAPTER IV

REMISSIONS

Rules regulating the shortening of sentences

G. I., H. D., 142. The following rules have been framed by the Provincial Government under section 59 (5) of the Prisons Act, IX of 1894, to regulate the shortening of sentences by the grant of remissions.

Res. No.
161-172
(Jails), d.
25-6-08.

H. D. Res.
No. 232-245
(Jails), d.
12-7-10,
and No.
1058-C-
1071-C, d.
22-12-14.

H. D. Notfn.
No. Jails-F-
503-2-22, d.
30-10-23.

App. I to
G. I., H. D.,
Res. No.
161-172
(Jails), d.
25-6-08.

143. In these rules—

Definitions.

- (a) "Prisoner" includes a person committed to prison in default of furnishing security to keep the peace or be of good behaviour.
- (b) "Class I prisoner" means a thug, a robber by administration of poisonous drugs or a professional, hereditary, or specially dangerous criminal convicted of heinous crime, such as dacoity.
- (c) "Class II prisoner" means a dacoit or other person convicted of heinous organized crime, not being a professional, hereditary, or specially dangerous criminal.
- (d) "Class III prisoner" means a prisoner other than a Class I or Class II prisoner.
- (e) "Sentence" means a sentence as finally fixed on appeal, revision or otherwise, and includes an aggregate of more sentences than one and an order of committal to prison in default of furnishing security to keep the peace or of good behaviour.
- (f) "Life Convict" means—
 - (1) a Class I or Class II prisoner whose sentence amounts to twenty-five years' imprisonment, or
 - (2) a Class III prisoner whose sentence amounts to twenty years' imprisonment.

NOTE.—The case of life-convicts and of all prisoners sentenced to more than 14 years' imprisonment or transportation or to transportation and imprisonment for terms exceeding in the aggregate 14 years shall, when the term of imprisonment undergone, together with any remission earned under the rules, amounts to 14 years, be submitted for the orders of the Provincial Government in accordance with the instructions contained in the Government of India, Home Department Resolution No. 159-67 (Jails), dated the 6th September 1905.

Exclusion of sentences under section 2, Act IV of 1901.

144. No remission shall be earned in respect of any sentence of transportation or imprisonment under section 2 of the Frontier Murderous Outrages Regulation, 1901 (IV of 1901), passed on a person above the age of fifteen years.

App. I to G. I., H. D., Res. No. 161-172 (Jails), d. 25-6-08.

Exclusion of certain other sentences.

145. No ordinary remission shall be earned in the following cases, namely :—

- (1) In respect of any sentence of imprisonment amounting, exclusive of any sentence passed in default of payment of fine, to less than six months in the case of habitual prisoners and to less than three months in the case of prisoners other than habituals.
- (2) In respect of any sentence of simple imprisonment except for any continuous period not being less than one month during which the prisoner labours voluntarily.

Do. do.

G. I., H. D., Notfn. No. Jails-F-503-2-22, d. 30-10-23.

NOTE 1.—The intention of this rule is that if a sentence or total of sentences of a habitual prisoner is reduced on appeal to less than six months and of a casual prisoner to less than three months, he shall cease to be eligible for ordinary remission under these rules and any remission that he may have earned prior to the reduction of his sentence or sentences shall be forfeited—see in this connection the definition of 'sentence' in rule 143(e).

NOTE 2.—No remission shall be earned in the case of a sentence of detention under the Borstal Act if the grant of remission would reduce the period of detention to less than two years.

146. If a prisoner is convicted of an offence committed after admission to jail, under section 147, 148, 152, 224, 302, 304, 304-A, 306, 307, 308, 323, 324, 325, 326, 332, 333, 352, 353 or 377 of the Indian Penal Code, or of an assault committed after admission to jail on a warder or other officer, the remission of whatever kind earned by him under these rules up to date of the said conviction may be cancelled.

App. I to G. I., H. D., Res. No. 161-172 (Jails), d. 25-6-08.

NOTE.—This rule shall be operative notwithstanding anything contained in rule 115 and shall be regarded as an exception to rule 115 in a case where the remission to the credit of the prisoner concerned exceeds one month.

G. I., H. D., Notfn. No. Jails-F-503-2-22, d. 30-10-23.

Re-admission of excluded prisoners.

147. The Superintendent may re-admit to the remission system any prisoner who has been removed therefrom under rules framed under section 59, clause (3),* of the Prisons Act. Remission admissible to such prisoner shall be calculated in the manner laid down in rule 151.

App. I to G. I., H. D., Notfn. No. Jails-F-503-2-22, d. 30-10-23.

Scale of ordinary remission.

148. Ordinary remission shall be awarded on the following scale :—

Do. do.

- (a) Two days per month for thoroughly good conduct and scrupulous attention to all prison regulations;
- (b) Two days per month for industry and the due performance of the daily task imposed.

Grant of remission to prisoners unable to labour through causes beyond their control.

149. A prisoner who is unable to labour through causes beyond his control, by reason of being at court, in transit from one jail to another, in hospital or on an invalid gang shall be granted remission under clause (a) of rule 148 on the scale earned by him during the previous month if his conduct prior to and during the period in question has been such as to deserve such grant. He shall also be entitled to the grant of remission under

Do. do.

clause (b) on the scale earned by him during the previous month if he has been in prison during that term; if not at the rate of two days per month:

Provided that if his absence from work is due to his own misconduct in jail no remission under clause (b) of rule 148 shall be awarded for the period of absence:

Provided also that if he is in hospital or on an invalid gang, no remission under clause (b) of rule 148 shall be granted unless the medical officer certifies that the prisoner's absence from labour is due to causes beyond his control and is in no way caused by any action of the prisoner himself taken with a view to escape work or to get into or to remain in hospital.

App. I to
G. I., H. D.,
Res. No.
161-172, d.
25-6-08.

H. D. Notfn.
No. Jails-F-
503-2-22, d.
30-10-23.

150. In lieu of the remission allowed under rule 148 convict warders shall receive eight days' ordinary remission per month, convict overseers six days per month, and convict night watchmen five days per month.

Scale applic-
able to
convict
officers.

151. (1) Remission under rule 148 or 150 shall be calculated as follows:—

Date from
which
remission
calculated.

- (a) Where the sentence of a prisoner runs from the 1st or 15th of any month, remission shall be calculated from that date only;
- (b) where the sentence of a prisoner runs from any of the dates from 2nd to 14th (both inclusive) remission shall be calculated from the 15th of the same month; and
- (c) where the sentence of a prisoner runs from any of the dates from 16th to the last date of a month, remission shall be calculated from the 1st of the next month.

(2) Any prisoner, who has been re-admitted to jail after his temporary release either on bail or on account of temporary suspension of his sentence and who has been re-admitted to remission system under rule 147, shall earn remission in the manner laid down in sub-rule (1). The remission, if any, which had been earned by the prisoner before his release either on bail or on account of temporary suspension of his sentence, shall be credited to his account of remission.

App. I to
G. I., H. D.,
Res. No.
161-172, d.
25-6-08.

H. D. Notfn.
No. Jails-F-
503-3-22, d.
30-10-23.

152. Prisoners employed on prison services, such as cooks and sweepers, who work on Sundays or holidays, may be awarded three days' ordinary remission per quarter in addition to any other remission earned under these rules.

Additional
remission
to prison
servants.

Explanation.—One day's remission may be credited to the prisoner at the end of every month during which he has been employed on any prison service.

C. P. Govt.,
Jail Deptt.,
letter No.
366-375-
V-(a), d.
31-7-31.

Award of
remission
for good
conduct.

153. Any prisoner eligible for remission under these rules who, for a period of one year reckoned from the date from which remission is calculated under rule 151 or the date on which he was last punished for a prison offence, has committed no prison offence whatever, shall be awarded fifteen days' ordinary remission in addition to any other remission earned under these rules.

App. I to
G. I., H. D.,
Res. No.
161-172, d.
25-6-08.
H. D. Notfn.
No. Jails-F-
503-2-22, d.
30-10-23.

Explanation.—For the purposes of this rule prison offences punished only with a warning shall not be taken into account.

Powers of
officers to
award
remission.

154. Ordinary remission shall be awarded by the Superintendent or, subject to his control and supervision and to the provisions of rule 155, by the Deputy Superintendent, Jailer, or any other officer specially empowered in that behalf by him.

Procedure
on award.

155. An officer awarding ordinary remission shall, before making the award, consult the prisoner's history-ticket in which every offence proved against the prisoner must be carefully recorded.

App. I to
G. I., H. D.,
Res. No.
161-172
(Jails), d.
25-6-08.

If a prisoner has not been punished during the quarter otherwise than by a formal warning, he shall be awarded the full ordinary remission for that quarter under rule 148, or if he is a convict officer, under rule 150.

If a prisoner has been punished during the quarter otherwise than by a formal warning, the case shall be placed before the Superintendent who, after considering the punishment or punishments awarded, shall decide what amount of remission shall be granted under rule 148, or, if the convict is a convict officer, under rule 150. All remissions recorded on the prisoner's history-ticket shall be entered quarterly on the remission sheet (or card) or if remission sheets (or cards) are not maintained, in a general remission register.

Record of
award.

156. The award of ordinary remission shall be made, as nearly as possible, on 1st January, 1st April, 1st July and 1st October, and the amount shall be intimated to the prisoner and recorded on his history-ticket. Remission granted to a prisoner under rule 153 shall be recorded on his history-ticket as soon as possible after it is awarded.

Do. do.

No remission for month in which released, if released on or before the 15th.

157. A prisoner due to be released on or after the 16th of a month shall be granted ordinary remission for the first fifteen days of that month if he is under the remission system. No such remission shall be granted to him for any period of a month in which he is due to be released on or before the 15th.

C. P. &
Berar Govt.,
Jail Deptt.,
Memo. No.
350-126-
III, d.
24-7-40.

App. I to G. I., H. D., Res. No. 161-172 (Jails), d. 25-6-08. G. I., H. D., Notfn. No. Jails-F-503- 2-22, d. 30-10-23.	<p>158. Special remission may be given to any prisoner whether entitled to ordinary remission or not other than a prisoner undergoing a sentence referred to in rule 144 for special services, as for example—</p> <ol style="list-style-type: none"> (1) assisting in detecting or preventing breaches of prison discipline or regulations; (2) success in teaching handicrafts; (3) special excellence in, or greatly increased outturn of, work of good quality; (4) protecting an officer of the prison from attack; (5) assisting an officer of the prison in the case of out-break, fire or similar emergency; (6) economy in wearing clothes. 	Qualifica- tions for special remission
App. I to G. I., H. D., Res. No. 161-172 (Jails), d. 25-6-08.	<p>159. Special remission may be awarded—</p> <ol style="list-style-type: none"> (a) by the Superintendent to an amount not exceeding thirty days in one year; (b) by the Inspector-General or the Provincial Government to an amount not exceeding sixty days in one year. <p><i>Explanation.</i>—For the purpose of this rule years shall be reckoned from the date of sentence, and any fraction of a year shall be reckoned as a complete year.</p>	Who may award special remission.
Do. do.	<p>160. An award of special remission shall be entered on the history-ticket of the prisoner as soon as possible after it is made, and the reasons for every award of special remission by a Superintendent shall be briefly recorded.</p>	Record of special remission.
Do. do.	<p>161. The total remission awarded to a prisoner under all these rules shall not, without the special sanction of the Provincial Government, exceed one-fourth part of his sentence.</p>	Maximum remission awardable.
Do. do.	<p>162. In calculating the date of release of a prisoner the number of days of remission earned shall be converted into months and days, at the rate of thirty days to each month.</p>	Method of calculating date of release.
G. I., H. D., Res. No. 234-245, d. 12-7-10.	<p>163. When a life-convict who is either—</p> <ol style="list-style-type: none"> (a) a Class I prisoner, or (b) a Class II or Class III prisoner, with more than one sentence, or (c) a prisoner in whose case the Provincial Government has passed an order forbidding his release without reference to it, <p>has earned such remission as would entitle him to release but for the provisions of this rule, the Superintendent shall report accordingly to the Provincial Government in order that his case may be considered with reference to section 401 of the Code of Criminal Procedure, 1898.</p>	Report to Provincial Government in certain cases.

Release in
other cases.

164. Save as provided by rule 163, when a prisoner has earned such remission as entitles him to release, the Superintendent shall release him. G. I., H. D., Res. No. 234-245, d. 12-7-10.

NOTE (to rules 163 and 164).—The intention of these rules is (a) that the cases of Class I life-convicts, of Class II or Class III life-convicts, who have more than one sentence for offences committed either before their admission to jail or while in jail, and of any other life-convicts in whose cases the Provincial Government may have deemed it desirable, should be submitted for the special orders of the Provincial Government as to whether release should be granted, and if so, on what conditions (such conditions must, it would be noted, be prescribed by order under section 401, Code of Criminal Procedure); and (b) that all other convicts should, on the expiry of their sentences less the periods for remissions earned, be released unconditionally without any special orders from the Provincial Government.

Endorsement
of remission
on warrants.

165. When a prisoner is released under rule 164 the total amount of remission earned by him shall be endorsed on his warrant and the endorsement shall be signed by the Superintendent. App. I to G. I., H. D., Res. No. 161-172 (Jails), d. 25-6-08.

Procedure
on transfer.

166. When a prisoner is transferred to another jail the total amount of remission earned by him up to the end of the previous month shall be endorsed on his warrant and entered on his history-ticket, these entries being signed by the Superintendent.

The receiving jail shall be responsible that the above information is duly obtained. Each jail at which a prisoner serves a portion of his sentence shall be held responsible for the correct calculation of the remission earned in that jail.

Preservation
of remission
sheets.

167. Remission sheets (or cards) shall be retained in the office of a jail for a period of one year after the release of the prisoner to whom they relate. When a prisoner is transferred to another jail, his remission sheet (or card) where such are maintained, or where they are not maintained a statement, certified by the Superintendent, of the total remission earned up to the date of transfer, shall be sent with the prisoner. Do. do.

NOTE.—An abstract of the above remission system rules translated into Hindi shall be posted up in every barrack, and shall be read to the prisoners every Sunday by a paid warder or an educated prisoner.

CHAPTER V

USE OF ARMS AGAINST PRISONERS

Rules under section 59 (6) of the Prisons Act regulating the use of arms against any prisoner or body of prisoners in the case of an outbreak or attempt to escape.

The following rules have been prescribed by the Provincial Government under clause (6) of section 59 of the Prisons Act (IX of 1894), regulating the use of arms against any prisoner or body of prisoners in the case of an outbreak or attempt to escape:—

App. II,
Part V,
G. I., H. D.,
No. 12-Jails-
500-510, d.
13-8-96.

168. Any officer of the prison may use a sword, bayonet, fire-arm or any other weapon against any prisoner escaping or attempting to escape: provided that resort shall not be had to the use of any such weapons unless such officer has reasonable ground to believe that he cannot otherwise prevent the escape.

Use of arms
against any
prisoner or
body of
prisoners in
the case of
an outbreak
or attempt
to escape.

Use of arms
when
permitted.

App. II,
Part V,
G. I., H. D.,
No. 12-Jails-
500-510, d.
13-8-96.

169. Any officer of the prison may use a sword, bayonet, fire-arm or any other weapon on any prisoner engaged in any combined outbreak, or in any attempt to force or break open the outer gate or enclosure wall of the prison, and may continue to use such weapon so long as such combined outbreak or attempt is being actually prosecuted.

Outbreaks
and
attempted
outbreaks.

Do. do.

170. Any officer of the prison may use a sword, bayonet, fire-arm or any other weapon against any prisoner using violence to any officer of the prison or other person: provided that such officer has reasonable ground to believe that the officer of the prison or other person is in danger of life or limb, or that other grievous hurt is likely to be caused to him.

Using
violence
to an officer.

Do. do.

171. Before using fire-arms against a prisoner under the authority conveyed in rule 168, the officer of the prison shall give a warning to the prisoner that he is about to fire on him.

Warning to
be given.

Do. do.

172. No officer of the prison shall in the presence of his superior officer use arms of any sort against a prisoner in the case of an outbreak or attempt to escape except under the orders of such superior officer.

Orders of
superior
officer.

C. P. & Bera
Jail Dept.
memo. No.
392-III, d.
9-4-41.

Do. do.

CHAPTER VI

RELEASE OF PRISONERS IN DANGER OF DEATH

Rules under section 59 (7) for defining the circumstances and regulating the conditions under which prisoners in danger of death may be released

173. (1) When a convicted prisoner suffering from sickness, not due to infectious disease, is likely to die if detained in jail, but there is a reasonable chance of recovery if he is released, the Superintendent shall report the facts to the Magistrate of the district in which the prisoner's offence was committed, who may sanction the release of the prisoner: provided that—

Release of
prisoners
suffering
from disease
and in
danger
of death.

(a) the prisoner has not more than six months to remain in prison before the expiry of his sentence; and

(b) the Medical Officer of jail recommends the release and certifies that—

(1) the disease is likely to prove fatal, if the prisoner remains in jail;

(2) there is a reasonable chance of recovery, if the prisoner be released;

(3) the disease has not been produced or aggravated by any wilful act on the part of the prisoner.

(2) The prisoner shall be informed before release that his liberation is conditional on the sanction of the Government and that if such sanction be withheld, he will have to return to prison to serve out the remainder of his sentence. The prisoner's friends shall be sent for, and a security bond taken from them, before he is released, that they will surrender him to jail if required to do so. The names and residence of the persons who agree to take charge of the prisoner shall be stated in the application for sanction for his release. In no case shall a prisoner be released and sent to a charitable dispensary or to a hospital for treatment.

(3) If the Magistrate of the district dissents from the Superintendent's recommendation, the Superintendent may request the Magistrate to submit the recommendation to the Commissioner of the Division in which the prisoner's offence was committed, and the Commissioner may either order release, subject to the above conditions, or submit the case for the orders of Government.

174. (1) When a convicted prisoner is in danger of death from sickness, not due to infectious disease, and there appears to be no hope of recovery within or without the jail, and it is considered desirable to allow such prisoner the comfort of dying at home, the Superintendent shall, provided the prisoner has not been sentenced for a period exceeding seven years for any very heinous crime or series of crimes against society, report the facts to the Magistrate of the district.

(2) If the unexpired period of the prisoner's sentence does not exceed six months, the Magistrate is authorized to direct his immediate release, after making personal enquiries into the

case, or, in the event of the prisoner's offence having been committed in another district, after consulting the Magistrate of that district.

(3) In all other cases the Magistrate shall immediately report the facts of the case, with his recommendation thereon, direct for the orders of Government.

(4) No prisoner who has no friends or relatives willing and able to take charge of him shall be released under this rule.

(5) All releases under this rule shall be treated as deaths for the purposes of the statistical records of the jail.

175. In case of complete and incurable blindness not caused by the voluntary act of the prisoner, of decrepitude or other incurable infirmity, such as absolutely incapacitates a prisoner from the commission of further crime on release, and where release would not be attended with mischief or danger, a report shall be submitted by the Superintendent to the Inspector-General of Prisons, who will at his discretion report the case for the orders of Government. Before such report is made, the Magistrate of the district in which the prisoner was convicted shall be asked for his opinion.

C. P. &
Berar Govt.
Jail Dept.
Memo. No.
751-671-III,
d. 11-12-39.

NOTE—All references regarding release on medical grounds should be treated as specially urgent at all stages by the officers concerned.

176. If a prisoner detained solely under a sentence of imprisonment in default of furnishing security to keep the peace or for good behaviour is so seriously ill as to be likely to die, whatever the term of his unexpired sentence, the Superintendent shall refer the case to the Magistrate of the district, who should exercise the discretion allowed to him by section 124 of the Criminal Procedure Code, under which he can release the prisoner without referring to Government.

177. A judgment-debtor who has been committed to jail may be released therefrom by the Provincial Government on the ground of his suffering from any infectious or contagious disease, or by the committing court, or any court to which that court is subordinate, on the ground of his suffering from any serious illness. Whenever a civil debtor is found to be suffering from any serious and probably communicable disease, an immediate report shall be made by the Superintendent to the Inspector-General with a view to Government being moved to release him. If a civil prisoner is found to suffer from any serious illness, likely to cause his death, the case shall be reported by the Superintendent to the committing court.

178. In every case when an under-trial prisoner is seriously ill, the Superintendent shall report the circumstance to the magistrate, or if the prisoner is awaiting trial before the Sessions Court, to the Sessions Judge, in order that if the law permits and the court thinks it proper, the prisoner may be released on bail.

CHAPTER VII

CLASSIFICATION OF PRISONS

Rules under section 59 (8) of the Prisons Act for the classification of prisons, and description and construction of wards, cells and other places of detention

SECTION I.—CLASSIFICATION OF JAILS

179. Jails shall be of three kinds, namely :—

- (i) Central Jails intended for the confinement of all classes of prisoners;
- (ii) District Jails at the headquarters of districts intended for the confinement of criminal and civil prisoners, and
- (iii) Special Jails, declared or established as such, from time to time, by the Provincial Government.

Kinds of jails.

180. The Jails at Nagpur and Jubbulpore are Central Jails.

Central Jails.

They are also District Jails for the districts in which they are located.

NOTE.—One octagon of the Nagpur Central Jail has been set apart for the reception of "Star" class prisoners.

181. District Jails are of four classes, namely, first, second, third and fourth. At present the District Jails in the province belong to the four classes as follows :—

District Jails.

- 1st class—Raipur, Amraoti, Akola.
- 2nd class—Narsinghpur (jail for adolescents).
- 3rd class—Hoshangabad, Saugor.
- 4th class—Chhindwara, Bilaspur, Betul, Yeotmal.

NOTE 1.—The ordinary capacity of these four classes of jails is as follows :—

Class of District Jail			Mean daily average number of prisoners confined in the jail
1st class	..	..	500 or more.
2nd class	..	..	Between 300 and 500.
3rd class	..	..	Between 150 and 300.
4th class	..	..	Between 50 and 150.

NOTE 2.—A portion of the District Jail at Betul has been set apart for the confinement of old and infirm prisoners.

NOTE 3.—A portion of the District Jail at Chhindwara has been set apart for the confinement of tubercular prisoners.

182. The Narsinghpur District Jail is also declared to be a Special Jail for adolescents.

The Narsinghpur Jail is a Special Jail.

Subsidiary
Jails.

183. In addition to the three classes of jails mentioned in paragraph 179 there are Subsidiary Jails intended for the confinement of prisoners whose sentences do not exceed three months.

A Subsidiary Jail is not a "prison" within the meaning of section 3, clause (1), of the Prisons Act, 1894.

There are the following Subsidiary Jails in the Province :—

Balaghat.	Khandwa.
Buldana.	Mandla.
Chanda.	Seoni.
Bhandara.	Wardha.
Damoh.	Narsinghpur.

SECTION II.—CONSTRUCTION OF WARDS AND CELLS, ETC.

Capacity of
wards.

184. In every sleeping ward a certain amount of superficial area, cubic space and lateral ventilation shall be allowed for each prisoner, and the minimum allowance is stated below :—

	Superficial area	Cubic space	Lateral ventilation
In barracks	36	500	10
In hospital	54	900	10
In cells	75	1,000	10

Over the door of every ward there shall be hung up on a board in the following form, a statement showing the details in regard to the accommodation :—

No.	Barracks.
Measurement	Accommodation.
1. Length.	7. At sq. ft.
2. Breadth.	8. At c. ft.
3. Height to bottom of the beam.	9. At sq. ft. lateral ventilation.
4. Lateral ventilation area.	10. Number of berths.
5. Superficial area.	
6. Cubic space.	

Superintendent, Jail.

Accommoda-
tion in ward

185 Care should be taken that the lock-out register shows the accommodation in each ward so as to enable the Superintendent to judge at a glance whether any particular ward is overcrowded or not.

186. Every ward shall contain a sleeping berth for each prisoner who can be accommodated in the ward.

Sleeping
berth
in wards.

187. A return in the prescribed form shall be submitted on the first day of each month to the Inspector-General, showing the number of persons who slept in the wards, hospital and cells on the previous night, and the amount of accommodation which is available for the prisoners of each class.

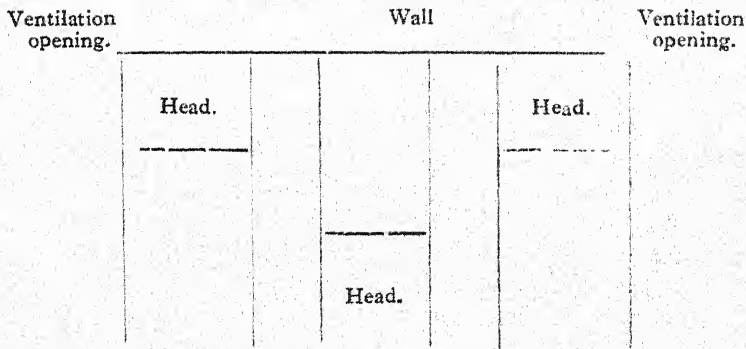
Report to
Inspector-
General re-
garding
number of
prisoners in
wards, hos-
pital and
cells.

188. When the arrival of excess number is apprehended, the Superintendent shall at once communicate with the Inspector-General, asking to what jail a stated number of the prisoners may be transferred. On receipt of a reply from the Inspector-General the Superintendent shall transfer a sufficient number of prisoners.

Disposal of
excess num-
ber of
prisoners.

189. Thorough ventilation of the barracks is of the greatest importance; the ventilation openings should only be closed when the weather is severe or to prevent rain from beating in. The berths should be arranged, as far as possible, to prevent a direct draught from blowing in on a prisoner. If there are three berths between two ventilation openings, the heads of the prisoners should be placed as indicated in the diagram below :—

Ventilation
of barracks.



In cold weather it is better to issue extra clothing to the prisoners to keep them warm than to close up the ventilation openings.

190. Every prisoner shall in upper, as in lower-storeyed buildings, have a raised bed assigned to him in his proper ward or cell at least 6 inches in height, 6 feet long and 2 feet broad, to make certain that each prisoner sleeps in a separate bed, and does not touch any other prisoner; and the head of one bed shall be opposite the foot of that next to it. The number of beds in each ward shall be in accordance with its capacity calculated on the scale prescribed in paragraph 184. Ordinarily, they shall be of sun-dried bricks either solid or arched. No beds shall be placed in front of a window or open grating.

Number and
dimensions
of beds in
barracks.

191. Cells for separate, cellular, and judicial solitary confinement on the standard plan shall be provided in all jails. Each cell shall have a yard attached to it, where the prisoner

Construction
of cells
according to
standard
plan.

can have the benefit of fresh air without having the means of communication with any other prisoner. In the outer door of the yard attached to each cell an eye-hole shall be made, so that the prisoner can be seen without seeing any one. Each cell shall be provided with the means of communication required by section 29 of the Prisons Act.

Instructions
to be follow-
ed in design-
ing jail
buildings.

192. In designing jail buildings, the following instructions should be attended to :—

- (1) Fifty square yards should be taken as the standard yard space per prisoner. The area within the inner wall, only deducting that of buildings to which the prisoners are not ordinarily confined, should be taken into account in calculating the amount per prisoner.
- (2) The minimum distance of any building inside the jail from the outer enclosure wall should be 16 feet.
- (3) The minimum height of the circumvallation wall round every jail should not be less than 15 feet.
- (4) The distance between the battens on the tiled roof of jail barracks and generally in all buildings or any portions of buildings in which prisoners are ordinarily confined, should not be more than 6 inches from centre to centre.

Construction
of gate.

193. The main entrance of every jail shall have a double gate with a space between the gates; in each gate there shall be a wicket; all should have secure fastenings that can be easily closed and made fast from between the gates. The inner gate should be a batten door, provided with eye-holes in it to enable the gate-keeper to observe any person who wishes to leave the jail, and to see that there is no large gathering of prisoners inside preparing for a rush to force open the gate. The outer gate shall be an iron-barred gate. All ingress and egress for ordinary purposes shall take place through the wicket doors.

SECTION III.—JAIL BUILDINGS

Agency and
funds for
construction
and repairs
of jail
buildings.

194. In respect to the agency by, and funds from, which the construction and repairs of jail buildings are to be carried out, the following procedure is to be adopted :—

- (a) All buildings or works of an engineering class, in the construction of which materials of a permanent character are employed, should be undertaken by the Public Works Department from Public Works Department funds.
- (b) All works constructed of what may be termed perishable materials, *e.g.*, buildings of *kutchha* brick in mud mortar, should be carried out by the Jail Department from the jail budget funds.

195. Under class (a) the following works would fall:— Works to be carried out by the Public Works Department.
Circumvallation and divisional walls, barracks and all accommodation for prisoners, such as solitary cells, under-trial wards, workshops, cook-houses, bathing-platforms, etc., accommodation for Superintendents of Jails, Jailors and jail staff, including that for warders and other subordinate staff, wells and water-supply, and also large works of drainage necessitating the employment of trained supervision and skilled labour.

Under class (b) the following would occur, viz.—

Storesheds required for temporary purposes and constructed of *kutchapukka* or of entirely *kutchap* materials; making raised sleeping platforms in barracks, etc., moorum or earthen floors in barracks or other subordinate buildings and surface drains within and beyond jail boundaries. Works to be carried out by the jail.

196. In respect to "Repairs", the Public Works Department should carry out all such to buildings constructed by, or on the books of, the Public Works Department, and the Jail Department to all other buildings or works. Repairs.

197. The construction and repairs of jail buildings should be regarded as one of the primary objects to which convict-labour must be devoted. In the case of class (b) works carried out by the jail, the entire construction and repairs must be executed by convict-labour, only a few necessary articles being purchased from jail funds. As regards class (a) works executed under the supervision of the Public Works Department, the construction and repairs should, as far as possible, be carried out by means of the convicts, so as to reduce the cost to Government to the lowest possible limits. Employment of convict-labour on construction and repairs of jail buildings.

198. In the larger jails it would generally only be necessary for the Public Works Department to supply the materials and some skilled labour, and nearly all class (a) works and repairs should be carried out by the convicts. In the case of small jails, it would sometimes be necessary to carry out large works by contract, but nearly all small works and repairs should be done by the convicts. Execution of works under Public Works Department.

199. The works and repairs under the Public Works Department would thus be carried out in one of the three following ways:— Method of carrying out works.

- (i) The whole work provided for in the estimate may be executed by convict-labour, only such materials and skilled labour as the Jail Department may require being supplied by the Public Works Department.
- (ii) The work provided for in the estimate may be carried out by an outside contractor, labour for carrying materials, etc., in fact all but skilled labour being, as far as possible, supplied by the jail.
- (iii) (1) Certain sub-heads only of the estimate may be carried out by the jail as in case (i), e.g., earth-work, concrete, iron-work, wood-work, etc., and
(2) the rest of the estimate (e.g., masonry stone flooring, Allahabad tiling) carried out by an outside contractor only labour being supplied by the jail as in case (ii).

Charge
against Pub-
lic Works
Department
estimates.

200. In case (i) the estimate will only bear charges on account of materials and skilled labour supplied by the Public Works Department. In case (ii) all payments made to the contractor, exclusive of the value of convict-labour supplied, will be charged to the estimate. In case (iii) (1) charges on account of sub-heads of works carried out by the jail will be treated in the same manner as in case (i), and in case (iii) (2) charges on account of work done by contract treated as in case (ii).

Charge on
account of
convict-
labour
supplied to
the Public
Works
Department.

201. No charges should be made to the Public Works Department when convicts are employed on jail works. When prison labour is employed on other public works the full market value of the work performed, as certified to by the Executive Engineer, will be charged to the Public Works Department. The adjustment of such charges should be made according to the general rules for payment by one department to another.

The cost of additional warders entertained by the Jail Department to guard the convicts when employed on jail works executed by the Public Works Department will be borne by the Jail Department. See para. 683.

Charge on
account of
materials
supplied by
the jail to
the Public
Works
Department.

202. Materials supplied by the jail to the Public Works Department will, as usual, be paid for at the ordinary stock or sale rates of the Jail Department.

Preparation
of P. W. D.
estimates for
jail works and
repairs and
agreements
with outside
contractors.

203. The Public Works Department in preparing estimate for all jail works and repairs will, in the abstract of the estimate, show opposite each item of work the estimated value of jail labour to be employed, and this value will be deducted from the total cost at normal rates, and the net cost will be the amount of the sanctioned estimate. Care should be taken in drawing up agreements with outside contractors, that all work to be done or labour to be furnished by the Jail Department, is very clearly specified and excluded from the contract. See para. 243.

Statement of
value of
work done by
jail labour to
be supplied
by the P. W.
D. to the Jail
Department
annually.

204. At the end of each calendar year, the Executive Engineer will supply the Superintendent of each jail with a statement showing the value of the work done by convicts during the year, that is, the difference between the value of the work at ordinary contract rates and the cost of the materials and skilled labour paid for by the Public Works Department.

Cash pay-
ment not
ordinarily
allowed.

205. Under these rules there should ordinarily be no cash payments or book adjustment between the Jail and Public Works Departments for work executed on account of jail buildings. But in those cases where materials are supplied by the jail to the Public Works Department, such as linseed oil, *dosuthi* cloth, or other articles of manufacture from jail stock, payments or adjustments of such charges should be made according to the general rules for payment by one department to another. Under

the sanction of the Provincial Government necessary works that have not been budgeted for in the Public Works Department may, at the request of the Inspector-General, be undertaken by that department for the Jail Department. The charges on account of such works will be treated as final charges in the Public Works accounts, the necessary funds being provided beforehand by a transfer from the Jail to the Public Works Department budget.

206. Executive Engineers should inspect work in the way of buildings that may be carried out from time to time by Jail Superintendents, even though such buildings have not been designed or estimated for by the Public Works Department, and point out any defects they may notice and give advice. Executive Engineers should also instruct their subordinates who are in charge of jail buildings to bring to notice any bad work that may be going on in connection with Government buildings under construction by Jail Superintendents.

Works undertaken by Jail Department to be inspected by P.W.D. officers and subordinates.

207. In the construction of buildings for which type plans exist, great care should be taken that no change is made in the standard unless there are special orders to the contrary.

Standard designs not to be deviated from.

SECTION IV.—SANITARY REGULATIONS

CLEANLINESS

208. All parts of the jail shall be kept thoroughly clean, and care should be taken that rubbish and dirt are not allowed to accumulate in any part of it. Special attention shall be given to the cleanliness of drains, cooking utensils, etc. Useless rubbish which is not likely to be converted into manure may be burnt.

Cleanliness of jail.

CONSERVANCY

209. Each enclosure shall, if possible, have a separate day latrine on the approved plan and shall have a sufficient number of seats to allow the latrine parade to be carried out rapidly. About one seat to 5 prisoners is usually sufficient. Provision must be made for the permanent supply of dry earth in every latrine, and before the commencement of the rains a sufficient quantity should be stored. The earth should be dry and in fine powder.

Latrine.

210. Separate receptacles shall be provided in all latrines for solid and liquid excreta, and the use of them shall be fully explained to all prisoners by the *mehtars*. The *mehtars* shall put a layer of dry earth at least 1 inch thick into each receptacle for solid excreta before it is used, and every prisoner after he has used a receptacle shall cover his dejecta with a scoopful of dry earth. Vessels for urine shall be one-third filled with water.

Receptacles in latrines.

Water for
ablution.

211. The use of water for personal ablution at the seats of latrines is prohibited; but at one side of the latrine, or adjacent to it, there will be a raised platform (draining into a receptacle which can be easily carried away when filled) on which the prisoners can wash themselves according to the custom of Indians. Water will be provided at the ablution platform. See para. 713.

Latrine
parade.

212. While the latrine parade is being carried out, the *mehtars* attached to each latrine shall be present, and shall call the attention of the convict-overseer to any prisoner who does not cover up his dejecta with dry earth. The *mehtars* shall empty the contents of the small receptacles into large iron drums and replace the receptacles in the latrine after having cleaned them.

Trenches for
night-soil.

213. The night-soil shall be buried in trenches in the garden. Before taking up the ground for trenching, it shall be efficiently drained so that the surface layers of the soil shall be free from saturation by storm or flood water. The trenches shall be one foot broad and six inches deep (nine inches in the rains) running parallel to each other at intervals of one foot. The bottom of the trench should always be loosened with a pick to admit of rapid absorption of liquids. The night-soil shall be deposited therein to the depth of 3 inches and the dug earth shall then be returned to the trench. The trenches shall be made as straight as possible with the help of a rope, and right across the field to be manured. They may be dug by the garden gang but must be filled in by the *mehtars*. The trenches should be prepared a day in advance—every day for the next day's excreta.

Refuse from
cook-house.

214. All refuse from the cook-house, if fit for food for cattle, shall be given to the cattle; if unfit for food for the cattle, but likely when decomposed to make a good manure, it shall be thrown into the manure pit; if unlikely to make a good manure and if combustible, it may be burned. In the garden a pit will be dug into which all the leaves and rubbish that are likely to be converted into manure shall be thrown. A tarred barrel with a hole in the bottom of it is placed on this rubbish and urine is emptied into the barrel so that it can gradually percolate through the whole contents of the pit. The urine tends to make the mass decompose rapidly and good manure results.

Latrine on
dry-earth sys-
tem in sleep-
ing barrack.

215. A latrine on the dry-earth system with a vessel for urine shall be provided in each sleeping barrack. The use of the night latrine is prohibited except in case of sickness, and any prisoner who uses the night latrine shall be reported by the night watchman on the following morning.

Latrine for
solitary cells.

216. Solitary cells shall be provided with smaller vessels, and a box of dry earth shall be placed in one corner.

Latrine for
paid warders.

217. A latrine shall be provided for the paid warders and shall be worked on the dry-earth system.

WATER-SUPPLY

See para.
347.

218. Every possible precaution shall be taken to prevent the pollution of the water-supply, either at its source or in distribution. Iron tanks with locked covers shall be provided in sleeping barracks and workshops in which good drinking water will be stored for the day's use. These will be provided with taps from which water can be drawn and no vessels shall be dipped into these tanks. One tap will be on the outside, so that water can be drawn when the prisoners are taking their food in the verandah, and one will be placed so that prisoners can draw water from the inside of the barrack.

Water
supply

219. When a new water-supply is obtained, or when there is suspicion that the water is impure, samples shall be sent to the Chemical Examiner at Agra for analysis, and when the result of the analysis is unfavourable a report of this fact will be submitted to the Inspector-General.

Examination
of impure
water by
Chemical
Examiner.

220. When water from wells is used for drinking purposes special care will be taken that there is no fouling on the area adjacent to the well and the wells should be cleaned every hot weather or oftener if possible. The wells should be covered to prevent pollution by substances being dropped or falling into them.

Well water

221. Chains and iron buckets shall be used for drawing water from the wells.

Chains and
iron buckets
for wells.

222. If the water contains much mechanical impurities as mud, it may be purified by allowing it to stand for a few hours in tin or iron vessels, and the addition of a small quantity of alum will hasten the clearing process. A lump of alum tied to one end of a string and dipped into the water for about half a minute gives a very good method of removing the mechanical impurities. When there is reason to suspect that the water is contaminated by bacteria, boiling may be resorted to.

Clearing
process for
impure
water.

223. If the water is not conveyed by pipes to the places in which it is to be used, covered cans with spouts shall be used for carrying it.

Water pipes.

224. Every sleeping ward shall be provided with drinking water, and prisoners at work shall be provided with as much drinking water as is necessary. When gangs are working outside the jail special care shall be taken to ensure that they are supplied with good water.

Supply of
drinking
water in
sleeping
ward and for
prisoners at
work.

BATHING

225. A bathing-platform on the approved pattern shall be provided in each enclosure in which prisoners are confined. The bathing troughs shall be filled with water thrice daily and all the prisoners (excepting the sick) shall be made to wash themselves thoroughly at these. In the morning and evening they will wash their hands, feet and faces, and at midday they will wash their whole bodies.

Bathing
arrangement
for pri-
soners.

CHAPTER VIII

REGULATION OF SENTENCES OF PRISONERS

Rules under section 59 (9) of the Prisons Act for the regulation by numbers, length or character of sentences, or otherwise of the prisoners to be confined in each class of prison

SECTION I.—ADULT MALE CONVICTED CRIMINAL PRISONERS

226. Adult male convicted criminal prisoners shall ordinarily be detained for purposes of undergoing their sentences in the jails to which they are, in the first instance, committed, subject to the limitations set out below :—

Adult male convicts —where to be confined.

- (i) No habitual prisoners with sentences of over six months shall be confined in *district jails in the Central Provinces, all such prisoners being transferred to the Jubbulpore Central Jail.
- (ii) All habitual prisoners from the District Jails in Berar, with sentences of over 10 years shall be transferred to the Jubbulpore Central Jail, all other habituals being confined in the Amraoti District Jail.
- (iii) Casual prisoners with sentences in excess of six months from the Jubbulpore Central Jail shall be transferred to the Nagpur Central Jail. Casuals with sentences in excess of one year from the District Jails in the Central Provinces shall be transferred to either the Nagpur Central Jail or the Raipur District Jail as the Inspector-General of Prisons may direct, with the sanction of the Provincial Government.
- (iv) Casual prisoners with sentences in excess of 10 years from the District Jails in Berar shall be transferred to the Nagpur Central Jail, all other casuals being confined in the Akola District Jail.
- (v) No adult prisoner, habitual or casual, shall be confined in the Narsinghpur Borstal Institution, which has been set apart for casual adolescent prisoners.
- (vi) All adult casual prisoners from the Narsinghpur Borstal Institution shall be transferred to the Nagpur Central Jail and all adult habituals to the Jubbulpore Central Jail.
- (vii) Prisoners sentenced to transportation shall be transferred to the Jubbulpore Central Jail or the Nagpur Central Jail according as they are habitual or casual prisoners.

C.P. & Berar
Govt. Jail
Dept.
Memo. No.
400-382-III,
d. 14-7-39.

Exception.—Casual prisoners sentenced to transportation by the courts in the Chhattisgarh division and life prisoners repatriated from Andamans may, however, be confined in the Raipur District Jail to undergo their sentence and shall not be transferred to the Nagpur Central Jail, without the sanction of the Inspector-General.

*Nagpur Central Jail is considered as a District Jail for the transfer of such prisoners.

SECTION II.—SUBSIDIARY JAILS

- (viii) No habitual prisoners with sentences of over three months shall be confined in Subsidiary Jails in the Central Provinces, all such prisoners being transferred to the Jubbulpore Central Jail or to the nearest District Jail.
- (ix) Habitual prisoners from the Subsidiary Jails in the Central Provinces with sentences of over six months shall be transferred to the Jubbulpore Central Jail.
- (x) Habituals with sentences of over three months but not exceeding six months shall be transferred to the nearest* District Jail.
- (xi) No casual prisoners with sentences exceeding one year shall be confined in Subsidiary Jails in the Central Provinces, all such prisoners being transferred to the Nagpur Central Jail.

227. Prisoners convicted in Khamgaon and Jalgaon tahsils of the Buldana district and those convicted in Pusad tahsil of the Yeotmal district shall be taken direct to the Akola Jail instead of to the Buldana and Yeotmal Jails, respectively.

C. P. & Berar
Govt. Jail
Dept.
Memo. No.
611-583-III,
d. 4-10-39.

Prisoners
sentenced to
be whipped
not to be
transferred
till the
punishment
is inflicted.

228. Prisoners sentenced to be whipped in addition to imprisonment shall not be recommended for transfer until the expiration of the period prescribed by law for the infliction of such punishments and until the sentence of whipping has been inflicted, or annulled, or commuted, as the case may be:

Provided that nothing in this rule shall be deemed to prevent the transfer of habituals and casual adolescents immediately on conviction to the appointed jails as required by rule 229.

C. P. & Berar
Govt. Jail
Dept.
Memo. No.
317-308-III,
d. 5-6-39.

Casuals and
habituals—
when to be
transferred
to the
appointed
jails.

229. Ordinarily no casual convicted prisoner shall be transferred to other appointed jails to serve sentence until the time allowed for appeal has expired or until the appeal is filed whichever is the shorter period. Habituals with sentences of over six months and casual adolescents sentenced to four months and upwards shall be transferred immediately on conviction to the appointed Jails.

SECTION III.—FEMALE CRIMINAL PRISONERS

Jails where
female con-
victs to be
confined to
undergo
sentence.

230. Up to the limit of accommodation in the female ward of each jail, all female convicts (both habituals and casuals) sentenced to imprisonment for less than a year shall be retained in the jail of the district or sub-division to which they belong. Female convicts sentenced to imprisonment for one year or more shall, if of the casual class, be transferred to the Nagpur Central Jail and, if of the habitual class, to the Jubbulpore Central Jail.

See
paragraph
1082.

*Nagpur Central Jail is considered as a District Jail for admission of habituals shown in sub-rule (x).

SECTION IV.—“A” AND “B” CLASS PRISONERS

231. Those prisoners who follow a superior mode of living will be classed as “A” or “B” class prisoners (for definition, see the rules under section 59 (17) of the Prisons Act, paragraphs 746 and 747, Jail Manual), prisoners of these classes who follow the western mode of living shall be, as far as possible, kept separate from those who follow the eastern mode of living. Prisoners who follow the western mode of living shall be imprisoned in the Nagpur and Jubbulpore Central Jails, and, if committed to jails other than these two jails, shall at once be transferred to either the Nagpur or Jubbulpore Jail, according to whether they are casual or habitual criminals. Europeans, Americans, Anglo-Indians, Africans, Jews or other persons of foreign extraction, whose families come from countries where the western mode of living is generally adopted, will normally be treated as following the western mode of living unless the classifying authority has recorded a definite finding to the contrary. In the rare cases where the trying Judge or Magistrate has omitted to classify a prisoner belonging to one of the categories mentioned in the preceding sentence, it is open to the Superintendent of the Jail to which he is committed to place him temporarily in the “B” class, and to refer his case to the District Magistrate for further orders. A prisoner so treated should not be transferred to Nagpur or Jubbulpore without the approval of the District Magistrate, before the final orders of the Provincial Government as to his classification are received.

‘A’ and ‘B’
class
prisoners.

232. Notwithstanding anything contained in paragraph 226 to 229, adult prisoners of the “A” and “B” classes accustomed to the eastern mode of living shall be imprisoned in the Central Jails at Nagpur and Jubbulpore, in the District Jails at Amraoti, Akola and Raipur and in such other jail or jails as may be allotted to them from time to time.

SECTION V.—YOUTHFUL PRISONERS

233. (1) When on conviction, an order for the confinement of a juvenile prisoner in a reformatory is substituted for a sentence of imprisonment, the Superintendent of the jail shall ascertain from the Superintendent of the reformatory at Jubbulpore whether accommodation is immediately available and the juvenile prisoner can be received.

(2) If the reply is in the affirmative, the prisoner shall at once be sent to the reformatory.

(3) If the reply is in the negative, he shall be transferred at once to the Narsinghpur Borstal Institution and remain there until such time as accommodation is available in the reformatory. While at the Narsinghpur Borstal Institution, he shall sleep apart from the juvenile adult prisoners confined there.

Procedure
to be adopt-
ed while
transferring
a juvenile
prisoner
to the Refor-
matory
School,
Jubbulpore.

234. If on conviction no order for detention in the reformatory is passed, the case shall be brought without delay to the notice of the District Magistrate who has the power under section 10 of the Reformatory Schools Act to order the transfer of

Power of
magistrate
to send boys
to a Refor-
matory
School.

the prisoner for a suitable term to the reformatory, and the juvenile prisoner shall be detained in the local jail until orders regarding him are received. If the District Magistrate orders transfer to the reformatory, the Superintendent of the jail shall follow the procedure laid down in the preceding rule.

If no such order is passed, the prisoner will be dealt with in accordance with the following rules.

Transfer of casual juvenile or juvenile adult—when not to be effected.

235. A juvenile or juvenile adult prisoner of the casual class who has to undergo a sentence of imprisonment of less than four months will serve such sentence in the jail of the district in which he was convicted. The Superintendent of the jail shall, without delay, bring all such cases to the notice of the District Magistrate.

Transfer of casual juvenile or juvenile adult—when to be effected.

236. If his sentence is not less than four months and he is of the casual class, a juvenile or juvenile adult will at once be transferred to the Narsinghpur Borstal Institution.

NOTE.—(a) A prisoner who has been previously convicted and released under section 562, Criminal Procedure Code, or punished with whipping only or fine need not be considered as habitual unless there is definite evidence that he has taken to crime as means of livelihood.

(b) It is the duty of sentencing magistrates to make recommendations to the Superintendent of the Jail as to the classification of prisoners as adolescents and in particular to bring to notice any information which may have come to light in the trial in regard to convictions for rape, unnatural offences, or gross indecency.

(c) Prisoners transferred to the Narsinghpur Borstal Institution shall be treated according to the special rules in force at the time for the management of that institution.

Transfer of habitual juvenile or juvenile adult.

237. If his sentence is over two months and he is of the habitual class, a juvenile or juvenile adult prisoner shall at once be transferred to the Jubbulpore Central Jail.

Transfer of bad conduct prisoners from Narsinghpur Borstal Institution to other jails.

238. If, after admission to the Narsinghpur Borstal Institution, any prisoner's conduct is such that as a result of his remaining in that institution there is fear of his contaminating other prisoners, his case shall be brought at the next quarterly meeting to the notice of the Board of Visitors, who may recommend to the Inspector-General of Prisons the transfer of the prisoner from the Narsinghpur Borstal Institution.

SECTION VI.—GOOD CONDUCT ADOLESCENT PRISONERS

Employment of good conduct adolescent prisoners of Narsinghpur Borstal Institution.

239. Good conduct adolescent prisoners of the Narsinghpur Borstal Institution who have completed half their sentence may, at any time during the last two years of their sentence, be allowed by licence or apprentice to take employment or practice a trade outside the jail premises. If such prisoners are marked P. R. T. the requirements of the P. R. T. slips need not be given effect to provided their conduct and work have been reported as

[Regulation of sentences of prisoners
confined in each class of prisons

good throughout the period of their licenceship or apprenticeship. The District Superintendents of Police concerned should be informed of all cases in which P. R. T. requirements have not been given effect to.

NOTE.—The rules and form of licence with conditions for licensing or apprenticing such prisoners are laid down in Part IV of this Manual.

SECTION VII.—JUVENILE FEMALE PRISONERS

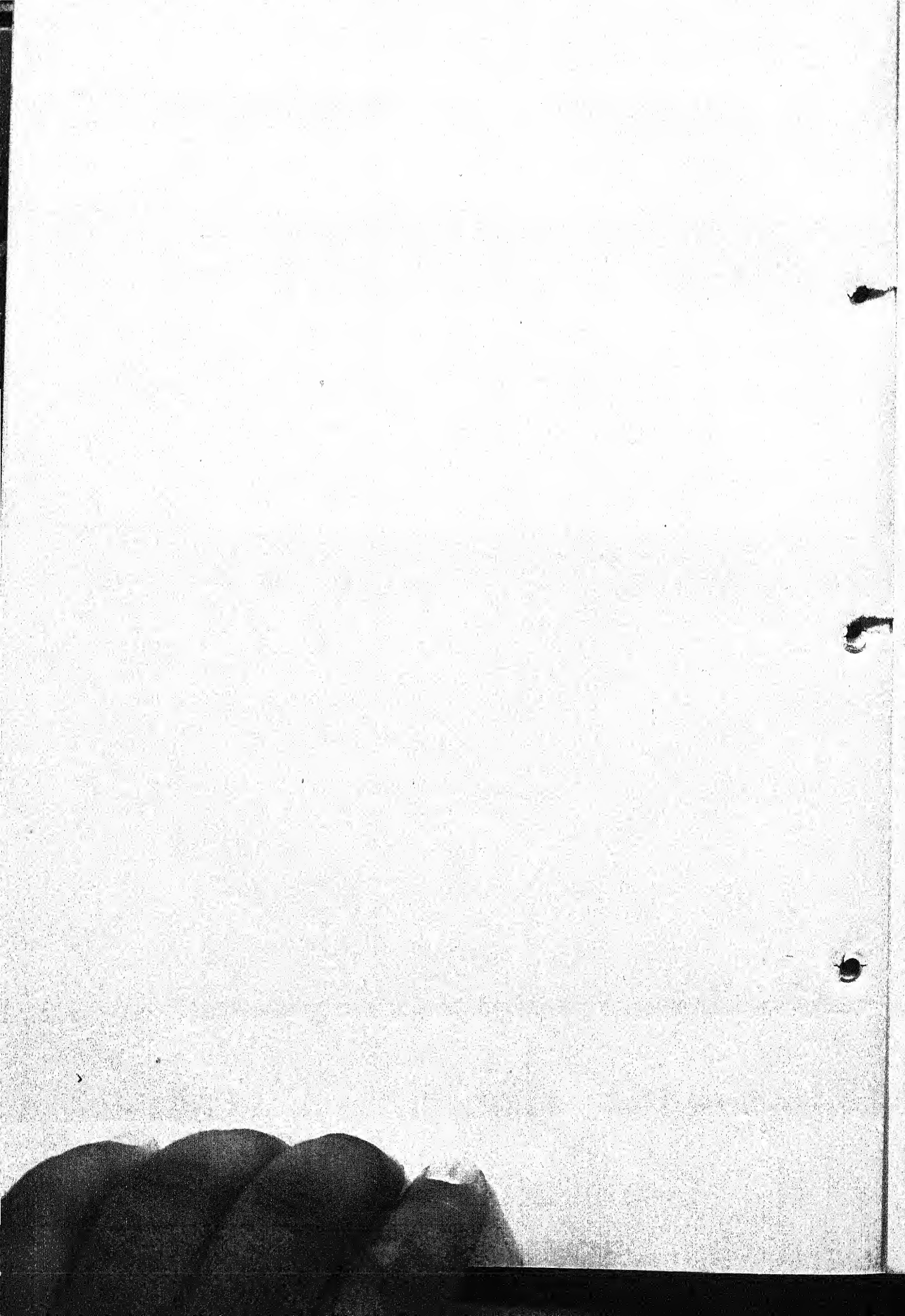
240. The above rules apply only to juvenile and juvenile adult males. If girls are imprisoned they shall be confined in the female ward. The cases of such girls should be immediately brought to the notice of the District Magistrate.

The above rules applicable only to juvenile and juvenile adult males.

SECTION VIII.—DISCRETION OF THE INSPECTOR-GENERAL OF PRISONS

241. Notwithstanding anything contained in the foregoing rules, the Inspector-General of Prisons may, for sufficient reason, by general or special order, direct that any class or classes of prisoners shall be confined in or transferred to any jail or class of jails. But he shall report every such case to the Provincial Government for information.

Reservation of power to the Inspector-General as to regulating the prisoners to be confined in each class of jail.



CHAPTER IX

GOVERNMENT OF PRISONS AND APPOINTMENT OF JAIL OFFICERS

[Rules under section 59 (10) of the Prisons Act for the government of prisons and for the appointment of all officers appointed under the Act]

SECTION I.—THE INSPECTOR-GENERAL

See para.
203.

242. Subject to the Accounts and Financial Rules for the time being in force, the Inspector-General shall exercise full and general control over all expenditure of the Jail Department for which budget provision has been made, provided that the expenditure incurred on—

Control of
expenditure.

- (a) public works,
- (b) the supply of stationery and
- (c) the supply of medical stores

shall be regulated in accordance with the special rules in that behalf made by the Provincial Government.

243. Subject to the reservations mentioned in the preceding rule, all monthly and other bills for jail expenses of every description shall be submitted to and audited by the Inspector-General.

Audit of
bills.

See para.
291.

244. No contract other than a petty contract relating to the supply to jails of food, clothing, etc., shall be made by any officer other than the Inspector-General, without the sanction of the Inspector-General. Petty contracts shall be understood to mean any contracts for supplies not exceeding a month's requirements.

Power to
sanction
contract.

See para.
410.

245. The Inspector-General is authorized to sanction in case of necessity, and subject to budget provision, temporary appointments on pay not exceeding Rs. 30 per mensem for clerical staff, and Rs. 50 per mensem for executive staff, for periods not exceeding one year.

Power to
make tem-
porary
appoint-
ments.

Exception.—Except where expressly provided for in these rules the employment of any temporary establishment is not permissible without the previous sanction of the Inspector-General of Prisons.

246. Whenever circumstances may render it advisable to offer a reward in excess of Rs. 25 for the re-apprehension of an escaped prisoner, the Inspector-General is empowered to sanction payment of such a reward not exceeding Rs. 250. The sanction of the Provincial Government shall be obtained for the payment of a reward in excess of Rs. 250.

Reward for
capture.

Purchases in
local market.

247. The Inspector-General may purchase in the local market any one article of European manufacture, or any number of articles of the same description, not exceeding Rs. 250 in value, except articles of a kind supplied by the Controller of Stationery. He may also sanction petty local purchases of stationery and rubber stamps up to a limit of Rs. 20 in each case.

Rewards for
special ser-
vices.

248. The Inspector-General is authorized to sanction small rewards for special services as, for instance, to matrons or midwives for attending confinement cases in jails, preservation of great coats by warders beyond the usual period of six years, special efficiency in drill, etc.

Power to
appoint,
transfer,
promote,
remove and
punish sub-
ordinate
officers.

249. Every Jailer, Deputy Jailer, Assistant Jailer, Assistant Superintendent, Matron, Teacher, Tent Master, Carpenter and Mechanic shall be appointed by the Inspector-General. No Officer appointed by the Inspector-General shall be dismissed or removed by any subordinate authority. The Inspector-General may direct the supersession, reduction, suspension, removal, dismissal or the transfer from one jail to another of any jail subordinate and may punish any such subordinate with any one or more of the punishments hereinafter specified.

Magisterial
powers of
Inspector-
General.

250. The Inspector-General shall exercise the powers of a magistrate of the 1st class within the limits of every jail in his jurisdiction.

Inspection of
jails by Ins-
pector Gene-
ral.

251. The Inspector-General shall inspect every jail in the province at least once a year—

- (a) he shall inspect all yards, wards, cells, worksheds, store-rooms, kitchens and latrines, noting their state of repair, their sanitary condition, the general security of the jail, and how far the structural arrangements permit of due effect being given to the requisitions of the Prisons Act with respect to the separation of the different classes of prisoners;
- (b) he shall examine the garden, enquire into the water-supply and conservancy arrangements, shall see that the sick are carefully attended to, and ascertain that the food is of proper quality and quantity;
- (c) he shall personally see every prisoner then in confinement in the jail, noting any circumstances of consequence connected with his physical condition, adaptation of task to physique and class, condition and sufficiency of clothing, employment of fetters, progress under the remission rules, and awards under the punishment rules, and shall afford, to such as desire it, a reasonable opportunity of making any application or complaint, investigating and passing orders on all those relating to jail discipline;
- (d) he shall inspect the warder establishment and satisfy himself as to its proficiency in drill and musketry, inspect its arms and accoutrements, and test the ability of every jail officer of the upper subordinate establishment to drill the guard. He shall closely

scrutinize the arrangements for carrying out day and night watch and ward, and for the prevention and suppression of riot, and shall satisfy himself that the disposition of the paid and convict officers is as prescribed and the most effective possible;

- (e) he shall compare, with the rates obtaining in the local markets, the rates paid for contingent purposes, and shall satisfy himself that economy is practised in their use as well as in the use of all articles supplied by contract;
- (f) he shall satisfy himself that all accounts and registers are maintained according to the rules in force for the time being, that proper arrangements are made for the safe custody of all records, and that due regard is paid to all requirements of the Prisons Act and the rules framed thereunder;
- (g) he shall see that accommodation is ample and that no overcrowding exists;
- (h) he shall satisfy himself as to the general health of the jail;
- (i) he shall examine the sentences of juveniles and adolescents to see whether some other form of punishment could not have been inflicted by the courts and also to see that short sentences have been duly brought to the notice of the District Magistrate.

On the completion of the inspection of any jail, he shall record, in the visitors' book, a memorandum of the state in which he found the jail, the manner in which it is administered, the extent to which officers appear familiar with their charges, etc., together with any suggestions he may wish to make and any orders he may issue to the Superintendent. A copy of any part of this memorandum which deals with matters which should, in the opinion of the Inspector-General, be brought to the notice of the Government shall be forwarded by the Inspector-General to the Provincial Government with any remarks the Superintendent may have offered.

252. In the absence of any direction to the contrary the Inspector-General shall be the channel of communication between the Government and all Superintendents and other officers of the Jail Department.

Channel of communication.

253. He shall submit to the Government annually, as soon after the commencement of the year as possible, and not later than the 20th March, a detailed report of the jail administration for the previous calendar year, giving statistics of the prisoners in such forms as may be prescribed by the Government together with any necessary comments thereon, and his remarks on every point of jail management. In his annual report the Inspector-General shall briefly state what inspections he made in the course of the year, and what was the general result of such inspections. The report shall not exceed in length 20 printed pages (octavo size).

Annual report on the administration of jails.

Appointment
of Deputy
Inspector-
General of
Prisons.

254. In the absence of the Inspector-General from Nagpur, the Superintendent of the Nagpur Central Jail may be appointed Deputy Inspector-General of Prisons and shall, in all emergent cases, exercise all or any of the powers of the Inspector-General.

Duties of
Director of
Public
Health with
regard to
jails.

SECTION II (a).—THE DIRECTOR OF PUBLIC HEALTH

255. The Director of Public Health, in addition to his functions as an official visitor of all jails, shall be a consultative officer on all subjects connected with the general hygienic and sanitary arrangements of jails, and is expected to offer his advice freely to the Inspector-General. Should there be a difference of opinion on an important point of hygienic or sanitary management, the Inspector-General shall refer the case for the orders of the Provincial Government.

Dir. of P.
H., I.-G. of
C. H. and
District
Magistrate

SECTION II (b).—THE INSPECTOR-GENERAL OF CIVIL HOSPITALS

Medical sub-
ordinates
under the
control of
the Inspec-
tor-General
of Civil
Hospitals.

256. Medical subordinates will be entirely under the control of the Inspector-General of Civil Hospitals. Compounders will be appointed and dismissed by the Medical Officers of the jails. No compounder can be dismissed without a departmental enquiry held in accordance with the procedure laid down in Book Circular No. I-13. Any appeal against an order of punishment must be submitted in writing to the Inspector-General of Civil Hospitals through the Superintendent of the jail. Other rules relating to the appointment, promotion, etc., of compounders will be found in Chapter XI of the Central Provinces and Berar Medical Manual.

SECTION II (c).—THE COMMISSIONERS OF DIVISIONS

257. Commissioners of Divisions shall visit the jails and sub-jails within their jurisdictions when inspecting the district or sub-divisional headquarters.

C. P. &
Berar Govt.
J. D. Memo-
No. 3320-
2891-III,
d. 15-12-43.

SECTION III.—THE DISTRICT MAGISTRATE

District
Magistrates
to be in
charge of
jails in case of
emergency.

258. In case of emergency the District Magistrate may himself assume charge of a District or Subsidiary Jail, and shall immediately report the fact to the Inspector-General of Prisons.

Magistrate
to be under
Inspector-
General's
control
regarding Jail
discipline.

259. The District Magistrate shall, in all matters affecting the discipline of jails, be subject to the control of the Inspector-General, and shall report to him all important steps which he thinks proper to take.

Superinten-
dent of Jail
to carry out
Magistrate's
orders.

260. The Superintendent of a District or Subsidiary Jail shall carry out the orders of the Magistrate, but if such orders are contrary to the standing orders of the department, the Superintendent shall inform the District Magistrate before carrying them out. Correspondence on ordinary matters of routine will be carried on direct between the Superintendent and Inspector-General; but when of an unusual or important nature it will pass through the District Magistrate.

C. P. & Berar
Govt., Jail
Dept. memo.
No. 3320
2891-III,
d. 15-12-43.

261. The District Magistrate or his senior assistant shall visit the jail at his headquarters once a fortnight but the former shall visit it himself at least once a month, unless unavoidably prevented by absence on tour or other similar causes, in which case he shall visit it at least once a quarter.

Visits by District Magistrate.

Where the jail is situated at the headquarters of a sub-division, the Sub-Divisional Officer will pay the above visits and the District Magistrate shall visit the jail when inspecting the sub-divisional headquarters—

(1) The Borstal Institute, Narsinghpur, is considered to be a jail for purposes of this rule.

Vide C. P. &
Berar Govt.,
Jail Dept.
memo. No.
1353-III,
d. 22-12-45.

(2) The primary purpose of such visits is to keep a check on disposal of cases and to avoid detention of undertrial prisoners and youthful offenders for long periods. If the visiting officer finds that the case against any undertrial prisoner or youthful offender is apparently delayed and such prisoner has been detained unduly long, he shall record remarks to that effect in the visitors' book. A copy of the remarks shall be forwarded officially by the Superintendent of the Jail to the District Magistrate for action as in sub-paragraph (3) and to the Inspector-General of Prisons, Central Provinces and Berar, for such action as may be deemed fit.

(3) The District Magistrate on receipt of such copy should obtain the record of the case and take suitable action to expedite the trial.

262. When the District Magistrate is absent on tour from headquarters, the officer in charge of the station for the time being shall perform the duties of the District Magistrate with regard to the jail, subject to any instructions which the District Magistrate may give. Such officer shall append to his signature in the visitors' minute book the words "in charge of the station during the absence of the District Magistrate".

Officer in charge of station to perform duties of District Magistrate when the latter is on tour.

263. When the duties of the Superintendent of a district or subsidiary jail necessitate his leaving the station, or if from any other cause, such as illness or absence on casual leave, he is unable at any time to supervise the jail, the Assistant Surgeon in charge of the Main Hospital shall, subject to the approval of the Deputy Commissioner, hold executive and medical charge of the jail; but if it is considered inconvenient in any particular case for the Assistant Surgeon to take charge, the Deputy Commissioner may appoint the senior executive Assistant or Extra-Assistant Commissioner at headquarters to the executive charge and the Assistant Surgeon in charge of the Main Hospital to the medical charge of the jail, reporting the fact to the Inspector-General of Prisons.

Duties of District Magistrate when Superintendship of Jail is vacant.

264. If the Superintendent of a Central Jail is about to proceed on casual leave, or, if from any other cause, such as illness, he is unable to discharge his duties, the District Magistrate, or, if the District Magistrate considers it preferable, the senior executive Assistant or Extra-Assistant Commissioner at headquarters shall exercise temporarily all the powers and duties of the Superintendent. The District Magistrate shall report the facts to the Inspector-General of Prisons.

District Magistrate or Extra-Assistant Commissioner to exercise temporarily all powers and duties of Superintendent, Central Jail, in his absence.

SECTION IV.—SUPERINTENDENTS OF JAILS

Appoint-
ments of
Superintend-
ents of Cen-
tral Jails for
commissioned
medical
officers

265. The posts of Superintendents of Central Jails are reserved posts for officers of the Indian Medical Service. Appointments thereto will be regulated by section 246 of the Government of India Act, 1935, and the rules thereunder.

C. P. &
Berar Govt
Jail Dept.
Memo.
No. 122-
128-V (a), d.
25-3-37.

Reversion of
commissioned
medical
officers from
Jail Depart-
ment.

266. Commissioned Medical Officers who elect to serve in the Jail Department are given the option of reverting from the department at any time within the first two years of their service in it.

G. I., F. D.,
No. 2724-P.,
d 8-6-1895.

Central Jails
to be in
charge of
whole-time
officer.

267. The Central Jails at Nagpur and Jubbulpore shall ordinarily be supervised by officers who are in whole-time charge

268. (1) The following scale of consolidated pay has been sanctioned for officers of the Indian Medical Service in whole-time charge of a Central Jail :—

Rank	Service in rank	Basic pay	Overseas pay		Year of service
			If drawn in sterling	If drawn in rupees	
(1)	(2)	(3)	(4)	(5)	(6)
Lieutenant	..	Rs. 650	£ ..	Rs. 150	1
				150	2
	(i) During first three years' service as Captain.	800	15	150	3
			15	150	4
	(ii) With more than three and less than six years' service as Captain.	900	25	150	5
			25	250	6
			25	250	7
			25	250	8
			25	250	9
	(iii) With more than six years' service as Captain.	1,000	25	250	10
			25	250	11
	(i) During the first three years' service as Major.	1,100	30	300	12 and over.
	(ii) With more than three and less than six years' service as Major.	1,250			
	(iii) With more than six years' service as Major.	1,400			
	(i) Until completion of twenty-three years' total service.	1,650			
	(ii) During twenty-fourth and twenty-fifth years' service.	1,750			
	(iii) After completion of twenty-five years' total service.	1,850			
	(iv) When selected for increased pay.	2,000			
Lieut.-Colonel	..				

NOTE 1.—Until the completion of twenty-three years' total service basic pay is regulated according to rank and service in rank (columns 1 and 2) which owing to the accelerated promotion may be in advance of the time-scale of promotion. Overseas pay is regulated solely with reference to length of total service (column 6).

NOTE 2.—In the case of Indian Medical Service Officers, *overseas* pay will be regulated with reference to rank *plus* total service and those who received accelerated promotions during the war will not be given the increased rates of *overseas* pay till the completion of the requisite total service. (Auditor-General's No. 199-Admn. 621-24, dated the 11th February 1925. Dy. II-905-5574.)

NOTE 3.—See also Chapter IV of the Manual of Pay and Allowances of Gazetted Officers in the Central Provinces and Berar, 1941 addition containing rules relating to reservation of certain posts for officers of the Indian Medical Service.

(2) Overseas pay in rupees is not admissible to new entrants or to those who have not previously been drawing it.

G. I. F. D.,
Resin. No.
9340-Ex., d.
9-9-93.

269. All Superintendents of Central Jails, the Superintendents of the Raipur, Amraoti and Akola District Jails and the Superintendent, Borstal Institution, Narsinghpur, who live in Government buildings attached to the jails or in quarters specially provided close to the jail, are exempt from the liability to pay rent. The grant of house-rent, when quarters are not provided, is contingent on the Superintendent providing himself with a residence within a distance convenient for the purposes of his duties at the jail, and approved by the Inspector-General of Prisons.

Exemption of Superintendents, Central Jails, District Jails, Raipur, Amraoti and Akola and Superintendent, B. I. Narsinghpur, from payment of house-rent.

G. I. H. D.,
No. 3-9, d.
10-1-10.

270. House-rent allowance not exceeding Rs. 100 a month is sanctioned to officers of the I.M.S., undergoing training for the Jail Department in the Central Provinces and Berar, subject to the condition prescribed for Superintendents of Jails in paragraph 269 above.

House-rent allowance to officers of I.M.S.

C. P. and
Berar Govt.
Jail Dept.
Memo. No.
122-128-V
(a), d. 25-3-37.

271. Whole-time Superintendents shall be appointed by the Provincial Government after consulting the Provincial Public Service Commission for the charge of the District Jails at Raipur, Amraoti and Akola. They shall be specially selected from the cadre of Assistant Surgeons in the Medical Department or from the cadre of Jailors. The pay of the former shall be Rs. 500—25—750 and of the latter Rs. 400—25—650. Where a non-medical Superintendent has been appointed the local Civil Surgeon or a selected Medical Officer shall receive an allowance of Rs. 100 per mensem for the medical charge of the Jail.

Pay of whole time Superintendents of District Jails.

A whole-time Superintendent for the Borstal Institution, Narsinghpur, shall be appointed by the Provincial Government after consulting the Provincial Public Service Commission. The pay of the post shall be Rs. 400—25—650.

The revised time-scales of pay for whole-time Superintendents of Jails shall be as follows with effect from the 10th December 1931:—

C. P.
Govt., Jail
Dept. letter
No. 19-659-
V (a), d. 11-1-32.

	Rs.
Whole-time Superintendents of	300—25—450
District Jails—Non-Medical.	
Whole-time Superintendents of	250—25—600
District Jails—Medical.	

C. P.
Govt., Jail
Dept. letter
No. C-494-
265-V (a), d.
28-5-32.

The revised time-scale of pay for the Superintendent, Borstal Institution, Narsinghpur, shall be Rs. 300—25—450 with effect from the 11th April 1932.

NOTE.—In respect of the above four posts of Superintendents and subject to the exceptions in regulation 8 of the Public Service Commission (Limitation of Functions) Regulations, 1937, the Public Service Commission shall be consulted or disciplinary matters.

Duty allowance to Civil Surgeons for holding charge of District Jails other than Raipur, Amraoti and Akola District Jails.

272. In the case of all other District Jails, the Civil Surgeon of the district will hold executive and medical charge and will receive a duty allowance in accordance with the following scale :—

	Rs.
First class District Jail ..	150 per mensem.
Second class District Jail ..	100 do.
Third class District Jail ..	75 do.
Fourth class District Jail ..	50 do.

NOTE 1.—No portion of the allowance mentioned in the above paragraph shall be granted to an Assistant Commissioner or Extra-Assistant Commissioner placed in executive charge of a District Jail during the absence of the Superintendent of Civil Surgeon.

NOTE 2.—The Assistant Surgeon in charge of the Main Hospital, or the Assistant to the Civil Surgeon placed in medical charge of a Jail during the Jail Superintendent's absence on leave, other than casual leave, will be granted special pay equal to one-third of the special pay attached to the post of the Superintendent of the Jail.

Pay of whole-time Superintendent of Central Jail other than an officer of I. M. S.

273. The rate of pay for a whole-time Superintendent of a Central Jail, other than an officer of the Indian Medical Service, shall be Rs. 600—25—900/950—50—1,100 with an efficiency bar at Rs. 900.

The revised scale of pay of Non-Indian Medical Service Medical Superintendents of Central Jail shall be Rs. 450—25—800—50—1,000 with effect from the 30th August 1933.

NOTE 1.—When a whole-time Superintendent of a District Jail or a Senior Jailor is appointed to hold charge of a Central Jail, he will draw pay at a rate of Rs. 100 above his substantive pay in the regular line.

NOTE 2.—When a permanent Civil Surgeon of the Central Provinces Medical Service is placed in independent charge of a Central Jail, he shall be placed on the time-scale of pay of Rs. 450—25—800—50—1,000 at a point Rs. 100 in excess of his substantive pay proper as Civil Surgeon.

NOTE 3.—The pay of a Civil Assistant Surgeon or an officiating Civil Surgeon of the Central Provinces Medical Service, when appointed to hold charge of a Central Jail, should be fixed on the time-scale of pay of Rs. 450—25—800—50—1,000 at a point Rs. 100 in excess of his substantive pay as Civil Assistant Surgeon in the regular line subject to the minimum of Rs. 450. In the cases where the substantive pay as Civil Assistant Surgeon *plus* Rs. 100 may not fit in with a stage in the higher scale of pay for non-I.M.S. Medical Superintendents of Central Jails, the officiating pay should be fixed at the stage next *below* the sum of substantive pay *plus* Rs. 100 and the difference should be granted as personal pay to be merged in future increments.

Duty allowance to Civil Surgeons for holding charge of Subsidiary Jails.

Condition as to first Appointment of Superintendent of Jails.

274. The subsidiary Jails shall be supervised, as collateral charges, ordinarily by the Civil Surgeons of the respective districts and a duty allowance of Rs. 20 per mensem shall be allowed for such charge.

275. Before any officer who has not had previous service in the Jail Department is appointed a whole-time Superintendent of a Central or District Jail, the Provincial Government may direct that he should undergo a period of training which may extend to six months under a selected Superintendent of a Central Jail. In any case no officer will be appointed permanently as a whole-time Superintendent until the Inspector-General of Prisons has satisfied himself that the officer has acquired a good practical knowledge of the duties of a Jail Superintendent. For this purpose an officer on appointment shall be considered to be on probation for a period which shall not exceed two years.

C. P. Govt. Appts. Dept. letter No C-162-3443-R-III, d. 16-4-28.

C. P. & Berar Govt., Jail Dept., Memo. No. 410-462-V (a), d. 30-8-33.

C. P. Govt. Appts. Dept. No. 2726-363-III d. 14-6-30.

C. P. & Berar Govt. Jail Dept. Memo. No. 572-630-III, d. 16-7-42.

Para. 11, in chapter XVIII of the Manual of Pay and Allowances of Gazetted Officers in C. P. and Berar, 1941 Edn.

Duty allowance to Civil Surgeons for holding charge of District Jails other than Raipur, Amraoti and Akola District Jails.

272. In the case of all other District Jails, the Civil Surgeon of the district will hold executive and medical charge and will receive a duty allowance in accordance with the following scale:—

	Rs.
First class District Jail	150 per mensem.
Second class District Jail	100 do.
Third class District Jail	75 do.
Fourth class District Jail	50 do.

NOTE 1.—No portion of the allowance mentioned in the above paragraph shall be granted to an Assistant Commissioner or Extra-Assistant Commissioner placed in executive charge of a District Jail during the absence of the Superintendent of Civil Surgeon.

NOTE 2.—The Assistant Surgeon in charge of the Main Hospital, or the Assistant to the Civil Surgeon placed in medical charge of a Jail during the Jail Superintendent's absence on leave, other than casual leave, will be granted special pay equal to one-third of the special pay attached to the post of the Superintendent of the Jail.

Pay of whole-time Superintendent of Central Jail other than an officer of I. M. S.

273. The rate of pay for a whole-time Superintendent of a Central Jail, other than an officer of the Indian Medical Service, shall be Rs. 600—25—900/950—50—1,100 with an efficiency bar at Rs. 900.

The revised scale of pay of Non-Indian Medical Service Medical Superintendents of Central Jail shall be Rs. 450—25—800—50—1,000 with effect from the 30th August 1933.

NOTE 1.—When a whole-time Superintendent of a District Jail or a Senior Jailor is appointed to hold charge of a Central Jail, he will draw pay at a rate of Rs. 100 above his substantive pay in the regular line.

NOTE 2.—When a permanent Civil Surgeon of the Central Provinces Medical Service is placed in independent charge of a Central Jail, he shall be placed on the time-scale of pay of Rs. 450—25—800—50—1,000 at a point Rs. 100 in excess of his substantive pay proper as Civil Surgeon.

NOTE 3.—The pay of a Civil Assistant Surgeon or an officiating Civil Surgeon of the Central Provinces Medical Service, when appointed to hold charge of a Central Jail, should be fixed on the time-scale of pay of Rs. 450—25—800—50—1,000 at a point Rs. 100 in excess of his substantive pay as Civil Assistant Surgeon in the regular line subject to the minimum of Rs. 450. In the cases where the substantive pay as Civil Assistant Surgeon plus Rs. 100 may not fit in with a stage in the higher scale of pay for non-I.M.S. Medical Superintendents of Central Jails, the officiating pay should be fixed at the stage next below the sum of substantive pay plus Rs. 100 and the difference should be granted as personal pay to be merged in future increments.

Duty allowance to Civil Surgeons for holding charge of Subsidiary Jails.

Condition as to first Appointment Of Superintendent of Jails.

274. The subsidiary Jails shall be supervised, as collateral charges, ordinarily by the Civil Surgeons of the respective districts and a duty allowance of Rs. 20 per mensem shall be allowed for such charge.

275. Before any officer who has not had previous service in the Jail Department is appointed a whole-time Superintendent of a Central or District Jail, the Provincial Government may direct that he should undergo a period of training which may extend to six months under a selected Superintendent of a Central Jail. In any case no officer will be appointed permanently as a whole-time Superintendent until the Inspector-General of Prisons has satisfied himself that the officer has acquired a good practical knowledge of the duties of a Jail Superintendent. For this purpose an officer on appointment shall be considered to be on probation for a period which shall not exceed two years.

C. P. Govt. Appts. Dept. letter No C-162-3443-R-III, d. 16-4-28.

C. P. & Berar Govt., Jail Dept., Memo. No. 410-462-V (a), d. 30-8-33.

C. P. Govt. Appts. Dept. No. 2726-363-III d. 14-6-30.

C. P. & Berar Govt. Jail Dept. Memo. No. 572-630-III, d. 16-7-42.

Para. 11, in chapter XVIII of the Manual of Pay and Allowances of Gazetted Officers in C. P. and Berar, 1941 Edn.

276. (1) Superintendents shall make themselves thoroughly acquainted with all Acts, regulations, rules and orders relating to jails, and shall be responsible for the due observance thereof and for the execution of all sentences of prisoners committed to their charge.

Superintendents to be acquainted with all rules regulations, etc.

(2) Every order of a Superintendent shall be subject to revision by the Inspector-General.

277. Whole-time Superintendents of Jails are allowed to engage in private practice provided that, in the opinion of the Provincial Government, it does not interfere with their official duties.

Private practice.

See para. 124.

See also section 51 of Act IX of 1894.

278. The Superintendent shall hold an enquiry touching every offence committed or alleged to have been committed by a prisoner, and punish such offence in accordance with the provisions of the law and rules in that behalf. He shall record with his own hand all orders for punishment, and shall see that the punishment is carried into effect provided that, when required by these rules, the Medical Officer shall have previously certified that the prisoner to be punished is fit to undergo it.

Superintendents to enquire into all prison offences and record punishments.

279. The order for punishment of any offence not punished by whipping must be entered by the Superintendent in the prisoner's history-ticket, and may thence be copied by a subordinate into the punishment register; but in every case in which whipping is inflicted, the Superintendent shall himself make the necessary entries in the punishment register. Against the entries in the punishment register relating to each punishment the Superintendent and Jailor shall affix their initials as evidence of the correctness of the entries. If the offender be a convict officer, the letters C. O. shall be inserted in the remarks column.

Punishment register.

See para. 1009.

280. The Superintendent shall visit the jail daily, as soon after sunrise as possible, when his first duty shall be to release time-expired convicts with due observance of the rules regarding return of their private property and the grant of subsistence allowance for the journey to their homes. If he is unable from sickness or any other cause to visit the jail on any week day, he shall record the fact of his absence and its cause in his order book. He shall inspect the whole jail premises at least once a week. Superintendents of Central Jails shall visit their jails at night after lock-up at least once a fortnight, and Superintendents of District and Subsidiary Jails at least once a month. They shall satisfy themselves that the guarding is being properly performed and that every thing is in order.

Superintendents to visit Jail.

281. The element of surprise in night visits is essential. The night visits should, therefore, not be postponed till the very last day of the fortnight or of the month as the case may be. It should also be noted that guards are more likely to become slack after 11 p.m. than before that hour. The night visits, therefore, should be paid after 11 p.m. With a view,

See paras.
244, 291,
364 & 623.

In the case of contracts for the supply of grain or raw materials or other articles for the jail, the Superintendent shall verify from the Deputy Commissioner the solvency of the contractor before the contract is entered into by himself or by the Inspector-General of Prisons on behalf of Government. If the period during which the articles are to be supplied exceeds one year he shall repeat the verification annually during the currency of the contract.

286. The Superintendent of every jail shall prescribe in writing in his order book the division of labour allotted to each of his subordinates, especially to those employed in the jail office, so that the responsibility for errors in the jail records and for any other dereliction of duty, may be fixed with precision and without dispute. In District Jails, other than 1st class, it should be specifically stated what office work the Jailer and Assistant Jailer shall respectively perform, but no such order shall relieve a Jailer of the responsibility of ensuring that the work in the jail office, whether done by himself or by his assistants, is properly and punctually conducted.

Distribution of duties among subordinate officers.

287. In Central Jails and first class District Jails an additional jailer of junior rank is appointed to assist the jailer, and he shall perform such duties under the orders of the senior jailer as the Superintendent may prescribe. These duties shall be laid down in writing by the Superintendent in his order book, and shall be copied by the junior jailers into the note-books which they are required by paragraph 456 to keep.

Duties of additional jailer.

288. In appointing the duties of the senior and junior jailers under the above rule, the Superintendent shall be careful to define them accurately in writing, so that the responsibility of each may be fully understood and enforced.

Superintendent to define accurately duties of additional jailers.

See paras.
317 (2) and
344.

289. The Superintendent shall report to the Inspector-General, as they occur, all serious breaches of jail discipline, escapes, recaptures, suicides, deaths or serious injury to prisoners from accidental causes, and to both the Inspector-General of Prisons and Director of Public Health any outbreak of epidemic disease or unusual sickness, and the measures taken to prevent the spread of the disease.

Superintendent to report all important occurrences.

290. He shall keep a constant and careful watch over the jail receipts and expenditure; he shall promote all possible economy in every department and carefully examine all demands and indents before sanctioning or submitting them for sanction; he shall frequently satisfy himself that the registers and books are written up; that daily entries are made in the day books, and that outstanding dues are not allowed to remain unrealised, and he shall initial the last entry in each book he examines and shall record the result of his examination in his order-book. He shall be held responsible for any defalcations on the part of the jail establishment if it be shown that such defalcations were rendered possible by neglect on his part of this or any other rule laid down for his guidance.

Superintendent to exercise vigilant control over receipts and expenditure.

See paras.
244 and 623.

291. He shall see that at the proper season, when grain is cheapest, a sufficient quantity of each kind of grain required for prisoners' consumption is stored for use until the next season

Superintendent to see to the storage of grain.

for annual storage; that proper arrangements are made for storage and preservation of the grain; that grain so stored is of good and wholesome quality. He shall also satisfy himself by frequent inspection of the accounts and of the prisoners' food before and after cooking, and by weighment of the food after distribution, that the prisoners obtain their full rations properly cooked.

Superintendent to check cash balances twice a month.

292. He shall check the balance of money in the cash chest with that shown in the cash-books twice a month and record the fact and the date of such verification in the latter under his signature. The "Factory" and "Maintenance" cash-books should be examined simultaneously so as to preclude the possibility of a transfer of funds from one account, to recover any deficiency in the other.

Superintendent to check daily the revenue registers with the cash books.

293. In order to prevent any loss of revenue by defalcation, the Superintendent shall check daily the receipts of money realized and entered in the various registers and books with those shown in the cash books, and satisfy himself that the moneys have been duly entered in the cash books. He will date and sign the registers and books to indicate that he has checked them.

C. P. & Berar Govt.,
Jail Dept.,
Memo No.
476-427-III,
d. 16-10-40.

Superintendent to check twice a year stores, machinery, etc

294. He shall every six months, as soon as possible after the 31st March and 30th September of each year, examine all stores, machinery, plant, tools, raw material, manufactured articles, live-and dead-stock appertaining to the jail, and satisfy himself that he has on the premises stock and plant equivalent to the balance shown in the accounts on those dates. After each examination he shall submit to the Inspector-General a certificate showing the result thereof. He shall also frequently inspect all stock and other property of Government in the jail.

See paras.
396 and
1001.

295. Store remaining in stock for over a year should be considered as surplus unless there is any good reason to treat them otherwise. These surplus stocks should be inspected by the Superintendent half-yearly in the case of perishable goods and once a year in the case of others. After inspection the Superintendent should submit a report to the Inspector-General and apply for sanction to the sale of the surplus or obsolete stores and to the writing off of their value.

Procedure when there is a change of Superintendents.

296. On change of Superintendents, the relieving officer shall, before taking over charge, satisfy himself that the cash balances, permanent advance and accounts are correct; also, as far as possible, that all stock (both general and manufactory), machinery, plant and tools shown by the accounts to be in stock are forthcoming; that the registers have been written up to date; and that sanction has been obtained for all the establishment employed; and shall report to the Inspector-General that he has done so. The responsibility of the relieved officer shall not cease till this is done.

297. (1) The Superintendent, if not also Medical Officer of the jail, shall visit the jail hospital frequently and shall carry into effect, or cause to be carried into effect, all written directions given by the Medical Officer, in regard to the proper segregation of prisoners suffering, or believed or suspected to be likely to suffer, from any infectious or contagious disease. He shall, whenever necessary, and without delay, take all reasonable measure for cleansing and disinfecting every place at any time occupied by any such prisoner and for washing, disinfecting, by fumigation or otherwise, or destroying, as may be most expedient, all wearing apparel, bedding or other articles which are infected or foul or may be believed or suspected to be infected or foul.

Superintendents to give effect to Medical Officer's directions.

(2) He shall carry into effect the written requisitions of the Medical Officer as to the supply of any additional bedding or clothing, or alteration of diet for any prisoner, or with respect to any alteration of discipline or treatment in the case of any prisoner whose mind or body may appear to require it.

See para. 795.

(3) He shall daily visit every prisoner confined in a cell for more than 24 hours.

(4) Where the Superintendent is also Medical Officer of the jail, he will enter any such instructions which he may give as Medical Officer in the Jail Order Book for the guidance of the jailer.

See para. 315.

298. The Superintendent shall regularly visit and supervise the jail garden and satisfy himself that all necessary measures are being taken therein for the purpose of cultivating and producing an ample and continuous supply of vegetables, condiments and antiscorbutics, for consumption by the prisoners; that the land included in the garden is kept in proper order and free from weeds; that the trenching of filth and refuse from the jail is effectively and duly conducted; that stable litter and other manure is suitably disposed of and that the premises generally are maintained in good sanitary condition.

Superintendent to visit and supervise jail gardens

299. The Superintendent shall accompany the Inspector-General on his inspection of the jail.

Superintendents to accompany Inspector-General on inspection.

300. The Superintendent shall not permit any prisoner or prison officer to be employed in any private capacity either for himself or any other person except under the following circumstances. A small gang of sweepers and water-carriers shall, under the charge of a paid warder, visit all the quarters occupied by jail officials, except the Superintendent's house, twice a day. Each house shall be cleaned and supplied with water by the gang.

Prohibition of prisoners or prison officers from being employed in any private Capacity

See para. 685.

301. He should see that no officials employ prisoners in attending to animals which do not belong to Government. The employment of prisoners as house servants of any description, such as sweepers or water-bearers, is strictly prohibited.

Prohibition of employment of prisoners as house servants.

Punctual
submission
of reports
and returns.

302. The Superintendent shall submit punctually to the Inspector-General all such yearly and other returns, statements, bills and vouchers as, from time to time, may be prescribed. As soon as possible after the close of each year, and not later than the 21st January, he shall furnish the Inspector-General, through the District Magistrate and the Commissioner of the division with a report in which all matters of importance relating to the jail statistics and administration for the year shall be noted. The length of this report is limited as follows :—

Central Jails

	Words.
Superintendent's report	.. 5,000
Deputy Commissioner's note	.. 750
Commissioner's note	.. 500

District Jails

Superintendent's report	.. 3,000
Deputy Commissioner's note	.. 500
Commissioner's note	.. 300

SECTION V.—MEDICAL OFFICERS OF JAILS

General
duties of
Medical
Officer.

303. The duties of the Medical Officer embrace every matter connected with the health of the prisoners, their treatment when sick and the hygiene of the jail.

In this connection see sections 13, 14, 15, 24 (2), 26, 35, 38 and 50 of the Prisons Act.

Casual leave
to Superin-
tendent,
Central Jail.

304. Before a Superintendent of a Central Jail avails himself of casual leave, he should report to the Commissioner of the division (through the Deputy Commissioner) the period of such leave and the date of his departure. He should also report the date of his return to duty. The grant of leave to a Superintendent of a Central Jail who is also a Medical Officer should be intimated to the Inspector-General of Civil Hospitals.

Casual leave
to Civil Sur-
geons or Civil
Assistant
Surgeons
who are also
Superintend-
ents of Dis-
trict or Sub-
sidiary Jails,
whole time
Superintend-
ents of Dis-
trict Jails and
the Superin-
tendent,
Borstal Insti-
tute, Nar-
singhpur.

305. Civil Surgeons or Civil Assistant Surgeons who are also Superintendents of District or Subsidiary Jails, whole-time Superintendents of District Jails and the Superintendent of the Borstal Institution, Narsinghpur, will forward their requests for casual leave through the Deputy Commissioner, who, if he agrees to the grant of the leave, will be responsible for arranging for the charge of the jail during the absence of the Superintendent.

C. P. and
Berar Govt.,
Jail Dept.
Memo. No.
705, 439, III.
d. 6-8-38.

306. In urgent cases, *i.e.*, when there is not time to refer to the Head of the Department and the leave appears to be urgently required and adequate arrangements can be made, the Deputy Commissioner may grant casual leave to all officers administratively subordinate to him, reporting at once to the Head of the Department concerned.

Deputy Commissioner to grant leave to Superintendents of Jails in urgent cases.

See paras.
297 (2), 341,
350, 381
and 803.

307. The Medical Officer shall visit the jail daily, and every part of it at least once in every week, and oftener in times of sickness. He shall inspect all the prisoners in the jail once a week at the general parade or at their work, and shall satisfy himself that no prisoner is employed on any work for which he is unfit. He shall see that the prisoners are clean in person, free from disease and provided with adequate clothing and bedding. He shall also see that the prisoners losing weight are paraded apart from others, so that their cases may receive special attention.

Daily visits to jails and attendance at weekly inspections.

Any recommendations or instructions relating to the prisoners generally or to a gang or body of them, or to any matter affecting the medical administration of the jail generally shall be entered by the Medical Officer in his minute-book.

See para.
976.

308. The Medical Officer shall examine every prisoner on the day of his arrival at the jail, or at latest upon the following day and shall record, or cause to be recorded, in the proper register, the age, state of health, and weight of each prisoner. He shall also record, or have recorded, both in the admission register and on each prisoner's history-ticket, the class of labour for which he considers the prisoner fit, and if the prisoner be not fit to do a full task of such labour, he shall state what proportion of the full task he can do. He shall also record, or cause to be recorded, in the proper register the state of health and weight on discharge of every prisoner released.

Record by Medical Officer on admission and discharge of prisoners.

See paras.
317 and
1137.

309. The Medical Officer shall, as soon as conveniently may be after admission to jail, vaccinate or cause to be vaccinated, every healthy convict who is not protected against small-pox, unless in any case he considers such vaccination undesirable or unnecessary.

Vaccination.

310. In the event of a prisoner's death (whether under trial or not), the Medical Officer shall see, and, if necessary, examine the body of the prisoner, so as to enable him to certify to the fact and the cause of death. When there is any doubt regarding the cause of death, a regular *post mortem* examination of the body shall be made by the Medical Officer, and he shall record in the case-book a full account of the appearance then observed and a statement of the cause of death as thereby disclosed, together with any other remarks he may wish to offer. In the event of several deaths from any prevailing epidemic, a *post mortem* examination should be made in one or more selected cases. The prisoner's hospital bed-head ticket (with temperature chart, if any) shall also be kept and not destroyed for two years.

Duties of Medical Officer upon the death of a prisoner.

Daily visits to hospital and duties with regard to sick prisoners.

311. The Medical Officer shall visit the patients in hospital daily as soon after sunrise as he can conveniently do so. This duty shall not be delegated to any subordinate. He shall also examine prisoners complaining of illness, and admit them, if necessary, to hospital or, if it seems suitable, recommend any variation of diet, or that he may be placed on light labour or exempted from work. In cases of malingering he shall at once report the guilty person to the Superintendent for punishment, or, if he is himself the Superintendent, punish him.

Additions or alterations to sick diet.

312. The Medical Officer may order any addition to or alteration of diet for the sick, special gangs, convalescents, the aged, and infants. He shall satisfy himself that the food of the prisoners is of good quality and properly cooked, that the vegetables issued are of the kinds prescribed, and that the weight of the vegetables reported as supplied is correct. He may substitute two chitaks of meat, fish or a nutritive equivalent of *dahi* (exclusive of whey) four times a week, for one chatak of dal, in the regular diet scale whenever he may consider the change necessary. For special reasons to be stated by him in writing in his minute book, he may, at such seasons as he thinks necessary, discontinue the issue of dal, substituting for it *dahi*, fish or meat of equal nutritive value. See paras. 598, 604, 616 (10), 1083, 1127 and 1128.

Preliminary procedure to the removal of prisoners.

313. He shall examine all prisoners previously to being removed to any other prison, and no prisoner shall be removed from one prison to another unless the Medical Officer certifies, on the nominal roll, that the prisoner is fit for transfer. He shall detain in the jail hospital, after expiration of sentence, any prisoner labouring under any acute or dangerous distemper, until, in his opinion, he may safely be discharged. The death of any prisoner so detained shall not be included in the jail statistics of deaths. See para. 103c.

Medical Officer to visit jail and jail premises weekly.

314. The Medical Officer shall, at least once in every week, inspect every part of the jail and the premises belonging or attached thereto, and shall satisfy himself that nothing exists therein which is likely to be injurious to the health of the prisoners, that the system of drainage is satisfactory and in good working order, that the water-supply is pure and unpolluted, and is not liable to pollution from any source; that adequate precautions are taken against overcrowding in wards, cells and other compartments, and that the ventilation and cleanliness of barracks, wards, cells and other compartments, work-sheds, latrines and the like are duly provided for and attended to. He shall also frequently inspect the cook-houses and test the weight and quality of the rations both before and after cooking. He shall report to the Superintendent any matter which, in his opinion, demands attention.

Supervision of jail garden.

315. The Medical Officer shall visit the jail garden and see that it is maintained in good sanitary condition. See para. 298.

316. The Medical Officer shall occasionally inspect the burial-grounds of the jail and shall satisfy himself that they are maintained in a satisfactory sanitary condition.

Medical Officer to inspect burial grounds.

317. (1) The Medical Officer shall, in the event of the appearance of epidemic disease of any kind among the prisoners or staff of the jail, be responsible that all measures and precautions which may be necessary or expedient to meet the emergency and prevent the spread of the disease, are promptly taken, and that the rules and orders regulating such matters are fully enforced.

Duties of Medical Officers regarding epidemic disease.

See para. 289.

(2) Immediately upon the appearance of any case of infectious disease or any disease which is likely to assume an epidemic form, the Medical Officer shall report the fact to the Superintendent for the information of the Inspector-General and the Director of Public Health, together with any recommendations which he may think fit to make with a view to prevent the spread of the disease and otherwise deal with it.

318. The Medical Officer shall duly observe and comply with all directions issued by the Inspector-General as to the duties which he is to perform and the manner in which he is to perform them. He shall furnish such periodical, statistical and other information and reports, in respect of sickness and mortality amongst prisoners, the sanitation of the jail and other matters pertaining to his duties, as may from time to time be prescribed by the Inspector-General in that behalf.

Medical Officer to comply with all orders issued by Inspector-General.

See para. 333.

319. The Medical Officer shall—

- (a) submit for the sanction of the Inspector-General a yearly indent in the prescribed form for medicines and medical stores;
- (b) keep or cause to be kept a proper account of medicines, instruments and appliances which shall be available at any time for the check or inspection of his stock;
- (c) satisfy himself that poisons are kept separate from other medicines, properly labelled and under lock and key;
- (d) from time to time examine the medicines kept in store to assure himself that they are in a fit condition for use;
- (e) regularly check the account of bazar medicines, and
- (f) be responsible that all European medicines, instruments and appliances debited to the jail and all bazar medicines and medical stores charged in the jail accounts are faithfully and solely expended in the service of the jail. Orders for diet and all other articles required in the medical department shall be signed by the Medical Officer.

Duties with regard to medicines, medical stores and indents.

See para. 505.

320. He shall examine all candidates for employment as subordinate officers of the jail, who may be sent to him for that purpose, and certify whether they possess the necessary mental

Medical Officer to examine candidates for jail employment

and physical qualifications to perform the duties likely to be required of them.

To give medical attendance to all jail officials and their families.

321. The Medical Officer shall attend all jail officials and their families who reside on the jail premises. He may, however, depute the Assistant Medical Officer to attend all slight cases among the subordinate officials. Medicines required for the treatment of jail officials and their families shall be supplied from the jail store. Articles of extra diet and medical comforts adjudged necessary for sick warders by the Medical Officer may be paid for from jail contingencies and charged in the monthly detailed contingent bill against the head "Sick diet and extras for patients—Hospital charges". Applicants for leave on medical certificate shall be examined and their cases reported on by the Medical Officer. See para. 352.

He shall bring to the notice of the Superintendent any facts respecting the causes of illness that may be of importance in enabling him to determine as to the fitness or otherwise of a subordinate for continued employment in the jail service.

Channel of communication.

322. He shall ordinarily correspond with the Inspector-General, through the Superintendent, on any matter connected with the jail or prisoners.

SECTION VI.—MEDICAL SUBORDINATES

Appointment of medical subordinates and grant of allowances.

323. The selection of Assistant Medical Officers for jail employ will be made by the Inspector-General of Civil Hospitals, who has the power to appoint, punish, grant leave (other than casual leave) to, or remove them. As a rule, no Assistant Medical Officer should be posted to jail employ until he has completed at least two years' service. Those attached to Central and District Jails for whole-time duty shall draw the pay of their grade and the allowances and rewards sanctioned by the Provincial Government for the particular jail to which they are attached on condition that the duties have been satisfactorily performed. They will not be permitted to engage in private practice.

C. P. Govt., Medl. Admn. and Pub. Health Dept., letters (1) No. 7614-697-IX, d. 22-11-30, (2) No. 510-8-IX, d. 27-1-31, and (3) No. 3001-510-IX, d. 12-6-31.

NOTE 1.—The following allowances will be paid to whole-time Assistant Medical Officers :—

Senior Assistant Medical Officers

- (1) The Senior of the two Assistant Medical Officers attached to the Central Jail, Nagpur.
- (2) The Senior of the two Assistant Medical Officers attached to the Central Jail, Jubbulpore.
- (3) The Assistant Medical Officers attached to the District Jails at Akola and Amraoti.
- (4) The Assistant Medical Officer attached to the District Jail at Raipur when the Superintendent of Jail is a non-medical officer.

Rs. 40 per mensem.

Junior Assistant Medical Officers.

- | | |
|---|--------------------|
| (1) The Junior Assistant Medical Officer attached to the Central Jail, Nagpur. | Rs. 20 per mensem. |
| (2) The Junior Assistant Medical Officer attached to the Central Jail, Jubbulpore. | |
| (3) The Assistant Medical Officer attached to the Borstal Institution at Narsinghpur. | |
| (4) The Assistant Medical Officer attached to the District Jail at Raipur when the Superintendent of the Jail is a medical officer. | |

Sectt., Jail
Dept., No.
496-386-III,
d. 17-8-39.

These allowances will be drawn by them irrespective of their position on any cadre. They are subject to good work, and Superintendents of Jails are authorized to decline to pass them for any one month if they consider that the condition attached to them, *viz.*, the satisfactory performance of all duties required, has not been fulfilled, their action being reported to the Inspector-General of Prisons.

NOTE 2.—These allowances are classed as compensatory allowances and as such they are payable during leave on average pay not exceeding four months subject to the conditions in Supplementary Rule 1 (b) below Fundamental Rule 44.

324. In suitable circumstances the Assistant Medical Officer of a neighbouring institution may be required to perform the medical duties of a District or a Subsidiary Jail, and shall then receive such allowance as may be fixed by the Provincial Government. Except as stated above Medical Officers of jails may engage in private practice provided it does not interfere with their official duties.

Part-time
medical sub
ordinates.

NOTE.—Assistant Medical Officers of a neighbouring institution will be paid an allowance of Rs. 10 per mensem for performing the medical duties of a District Jail and Rs. 7-8-0 in the case of a Subsidiary Jail.

325. The posting of Assistant Medical Officers selected for jail employ will be in the hands of the Inspector-General of Prisons so long as they remain in the Jail Department.

The period for which an Assistant Medical Officer will be sent to the Jail Department is fixed at three years.

The case of any Medical Subordinate accused of taking a bribe or allowing forbidden indulgences to prisoners shall be immediately reported to the Inspectors-General of Civil Hospitals and Prisons by the Superintendent of the Jail.

Powers of
Inspector-
General of
Prisons with
regard to
medical
subordinates.

326. If the jail is his only charge the Medical Subordinate shall reside on jail premises so as to be available at all times; he will be provided with free quarters. If free quarters are not available, he will draw house rent in lieu thereof. He shall not be absent without leave from the Medical Officer of the jail, which shall be notified to the Superintendent if the former is not also the Superintendent.

Medical sub
ordinate to
reside on jai
premises.

Free
quarters.

327. An Assistant Medical Officer attached to a jail as a collateral duty is entitled to free quarters or house rent in lieu thereof.

Medical
Subordi-
nates to obey
orders of
Medical
Officer.

328. (1) In all matters relating to, or connected with, the feeding, clothing and medical treatment of hospital patients and other professional duties, the Medical Subordinate shall obey the orders of the Medical Officer and discharge such duties as may, from time to time, be lawfully assigned to him by that officer. In matters relating to the maintenance of order and discipline, in, and the general management of, the jail, he shall obey the orders of the Superintendent and the Jailer respectively. Section XIII,
Part II.

(2) In every jail the Medical Subordinate shall record in his report book, and report to the Medical Officer, all orders given to him by the Superintendent or Jailer.

Medical
Sub-
ordinates to
be on duty
throughout
the day.

329. (1) In jails where there are two or more Medical Subordinates, they shall be on duty alternately in such manner and for such hours as the Medical Officer may direct: provided that one or other of them shall always be present throughout the day, and that the one on duty shall not leave the jail until he has been replaced by the other, except when one of them is sick and unfit for duty. They shall also be required to sleep in turn in the hospital from 10 p.m. until unlocking the jail, unless the Medical Officer considers this unnecessary, in which case one of them must be ready in his quarters for any emergent call: the gate sentry should be told which of them is to be sent for. They shall be present in the jail together whilst the Medical Officer is attending the sick and at such times as he considers necessary. See para.
356.

(2) The orders contained in clause (1) of this paragraph apply also to jails where there is only one whole-time Medical Subordinate and a compounder.

(3) In jails where there is only one Medical Subordinate whose sole duty is to attend to the jail, he shall be present in the jail throughout the whole day except when allowed to be absent for meals. In cases where the Medical Subordinate attached to a neighbouring institution attends the jail, he shall visit the jail early in the morning before attending to other duties, and again in the evening before lock-up time. In any case of serious disease the Medical Subordinates shall visit the hospital frequently at night and see that the prescribed medicines and food have been distributed, and must be prepared at all times to attend when his services are called for.

General
duties of
Medical
Subordi-
nates.

330. At the opening of the wards the Medical Subordinate shall at once see any prisoner complaining of sickness. If necessary, he will send these at once to hospital, but if he thinks this unnecessary, he will bring them to the notice of the Medical Officer on his arrival. He shall also see that the medicines are distributed to prisoners of the outgoing gangs who need them, and shall then go round the hospital visiting each patient and doing whatever is needful for him at the same time making notes of the condition and progress of the cases on the bed-head tickets for the information of the Medical Officer. He shall bring to the notice of the Superintendent and the Jailer the case of any See para.
1154.

prisoner who is seriously ill, so that the prisoner's friends or relatives may be informed of his condition. He shall, in the event of the prisoner's death, see that notice is sent to his friends or relatives through the District Magistrate of the district to which he belongs.

331. He shall every morning visit the "infirm" and "special" gangs and prisoners kept under observation and see that medicines are distributed to those requiring them, and that they get the special food, clothing, bedding, and rest ordered for them. If any prisoner is removed from the "infirm" or "special" gangs without the authority of the Medical Officer, he shall report the matter to the Medical Officer.

See paras.
721, 786
and 795.

332. He shall visit all prisoners confined in cells daily, and report to the Medical Officer any complaints that may have been made to him.

See para.
319.

333. He shall be responsible that all medicines are correctly prepared, that the medicine almirah is kept locked, and all poisons kept separate according to the rules issued by the Inspector-General of Civil Hospitals. In jails where there is no compounder the Medical Subordinate shall himself distribute medicines to the prisoners and shall on no account delegate this duty to a prisoner. He will write up the hospital diet book, will make the necessary indents on the proper jail officers, and will see that the food is properly prepared and distributed to the sick.

334. (1) European medicines, instruments and hospital necessities required for the use of jail hospitals are supplied by the Medical Store Depôts, Bombay and Calcutta. Indents for such stores must be prepared in the prescribed form and in quadruplicate and submitted to the Inspector-General of Prisons, for check and countersignature, on the dates given in the following list:—

Indents for
medicines,
instruments
and hospital
necessaries.

Jail	Depot	Date on which indents are due to reach the Inspector-General
Jubbulpore	Bombay	.. 1st March.
Nagpur		
Amraoti		
Akola		
Balaghat		
Betul		
Bhandara		
Buldana		
Chanda		
Chhindwara		
Damoh		
Hoshangabad		
Mandla		
Narsinghpur B. I.		
Narsinghpur Sub.-Jail		
Khandwa		
Saugor	Calcutta	.. 1st September.
Seoni		
Wardha		
Yeotmal		
Raipur		
Bilaspur		

(2) The quantity of any article required should be entered in the indent, taking into account the quantity remaining in store.

(3) Assistant Medical Officers must estimate their probable annual requirements with care so as to obviate the necessity for the submission of supplementary indents, which should seldom be necessary. Supplementary or emergent indents, which may be submitted at any time, must be prepared on the proper form and sent in quadruplicate. These forms are scheduled forms and are obtainable from the Central Jail Press, Nagpur. Emergent indents, however, should be restricted to cases of unavoidable necessity. The Inspector-General of Prisons will, before passing the indent, in every instance, insist on an explanation of the circumstances which render the requisition necessary. The quantity of drugs indented for should be strictly restricted to probable requirements for the period intervening between the dates of submission of the emergent indent and of the next annual supply. The period intended to be covered by the requisition should be stated at the head of the indent, and the balance in hand of the last supply should be shown in column 3 thereof.

(4) Medicines or hospital necessities not included in the authorised list in force for the time being of the Medical Store Depot must not be included in the indents, and no alterations should therefore be made in the printed entries.

Duties of
Medical
Subordinates.

335. He shall keep all the hospital registers written up to date, shall punctually prepare and submit to the Medical Officer monthly and other returns, and be generally responsible for the hospital records.

336. He shall be responsible that the surgical instruments are kept in good order, and for the safe keeping and cleanliness of clothing, bedding, blankets, etc., issued for use in the hospital. Any deficiency in stock should be reported to the Medical Officer.

337. He shall be responsible for the maintenance of cleanliness, order and discipline in the hospital, that all jail rules are strictly observed in it, that the compounder and hospital attendants do their duty, and also that any want of or excess of hospital attendants is brought to notice.

338. He shall carefully watch all prisoners who may possibly be malingering, and bring such cases to the notice of the Medical Officer. All prisoners who are suspected to be insane shall be examined by him daily, and a report of their mental condition submitted to the Medical Officer.

339. He should frequently be present at the various parades, and separate for treatment any prisoner whose appearance or manner denotes that he is not in his usual health.

340. He shall arrange that all cases of bowel complaint are treated in a separate ward, that evacuations in such cases are destroyed in the "Cholera germ destructor" as soon as possible after they are passed, and that they are passed into vessels containing a sufficient quantity of antiseptic solution, or of lime or ashes, and then covered with the same material to prevent fly

See paras
1161 and
1162.

infection. When the Medical Officer visits the jail, the Medical Subordinate shall accompany him on his round and take notes of any order given by him regarding the treatment of the sick or the sanitation of the jail.

See paras.
307, 730 and
1075.

341. The Medical Subordinate shall carefully examine all new admissions to the jail, and under the Medical Officer's supervision record in the admission register their state of health, weight, personal marks, including marks of wounds, vaccination or inoculation. Undertrial prisoners should be specially examined for marks of wounds, bruises, etc., and anything which may be useful to the courts, the result being reported to the Medical Officer and duly recorded. He will see that the entries required by rules are noted on the history tickets. He will satisfy himself that the private clothing of newly admitted prisoners is cleansed and disinfected, if necessary, before removal to the godown.

Examination
of newly
admitted
prisoners.

See paras.
309 and
1137.

342. When so directed by the Medical Officer, the Medical Subordinate shall see that all prisoners (including infants) are vaccinated as soon as possible after admission and the results duly and carefully recorded on the history ticket and in a register maintained on the prescribed form. In the case of infants, entry may be made in the history ticket of the mother.

Duties as
regards vac-
cination.

See para.
1102.

343. If the Medical Subordinate has reason to believe that any female prisoner is pregnant, he should bring the circumstance to the notice of the Medical Officer, who will report the fact to the Inspector-General of Prisons, stating the date of admission of the pregnant female, the date of her confinement, or if she is released before confinement, the date of such release.

Cases of
pregnancy to
be reported
to Medical
Officer.

See paras.
289 and
1061.

344. The Medical Subordinate shall at once, in writing, bring to the notice both of the Medical Officer, and Superintendent any case of cholera or of other infectious disease in the prison or its neighbourhood. In case of serious injury from accident, or where a major operation is necessary, he shall at once communicate with the Medical Officer; and every serious injury to a prisoner from an accident should at once be reported to the Superintendent.

Duties as
connection
with infec-
tious
diseases or
serious
injury.

345. The Medical Subordinate shall inspect the food godowns and kitchens daily, see that they and all vessels for cooking or distributing food are clean, and that all food material, vegetables, etc., are of good quality, properly husked, washed and prepared and sufficient in quantity. He shall keep samples of anything he considers to be unwholesome for the Medical Officer's inspection. He should inspect all meat, fish and milk supplied for the prisoners from whatever source, and report at once for rejection anything unfit for food. He will see that milk is properly boiled before issue to the prisoners; and also inspect all food supplied to those prisoners who may be allowed food from outside.

Duties as
regards food
and its dis-
tribution.

Duties as regards food and its distribution.

346. The Medical Subordinate shall examine all food before it is distributed; also see that it is properly cooked and that the proper quantity of oil, salt and antiscorbutics has been added to each ration. He should bring to the notice of the Medical Officer any prisoner who frequently leaves a considerable portion of the food supplied to him especially cases in which it appears that this is caused by failing health, or is purposely done in order to cause reduction of weight on the day of weighment.

Duties as regards water-supply.

347. The Medical Subordinate shall periodically examine the wells, tanks or other sources of water-supply, and should bring to notice any deficiency of supply or likelihood of the water being polluted. He shall daily examine the filters, water-boilers and all vessels in which water for drinking or cooking is stored or conveyed and see that they are clean and in good working order. See para. 218.

Duties as regards sanitation and ventilation.

348. He shall daily inspect all latrines and urinals, and see that they are kept clean, that the conservancy rules are carried out, and that a sufficient quantity of dry earth is used and stored. He should also see that the orders about ventilation of hospital wards, sleeping barracks and workshops are properly attended to according to the season of the year; that the prisoners while sleeping are not exposed to direct draughts or the fall of rain, and that all the batten doors are freely opened during the day.

Duties as regards dairy.

349. The sheds in which milch cows are kept shall be examined by the Medical Subordinate daily. He shall see that these places are kept clean and free from smell and that the vessels for boiling or holding milk are clean and fit for use. In smaller jails where there are no dairies he shall keep a daily record of the quantity of milk obtained from the jail cows, and of the consumption thereof, and shall report to the Superintendent any instance in which it is not all utilized for the benefit of the sick or in improving the diet of the prisoners.

NOTE.—In jails where there are dairies the milk account shall be maintained by the maintenance store-keeper instead of Assistant Medical Officer.

Weighment of prisoners.

350. The fortnightly weighment of all prisoners as well as the weekly weighment of those who are infirm or losing weight, shall be made under the immediate superintendence of the Medical Subordinate who shall record with his own hand the weight of each prisoner in his history ticket. In Central Jails he may be assisted by the junior Assistant Medical Officer (if there is one), or by the compounder or by an Assistant Jailer deputed by the Superintendent. All prisoners steadily losing weight shall be reported to the Medical Officer not later than the day after weighment. See paras. 307, 381 and 803.

To report deaths and assist at post mortems.

351. The Medical Subordinate shall report all deaths at once to the Jailer and Medical Officer, see that the body is decently removed to the dead-house; make the necessary preparations for post mortem examination; assist the Medical Officer in making such examination; and will be responsible that the body is afterwards properly stitched up and covered.

See para.
321.

352. The Medical Subordinate, under the directions of the Medical Officer, afford medical aid free to all the jail staff and their families living on the jail premises. In cases of difficulty he should consult the Medical Officer.

Medical attendance to jail staff and their families.

See Sec.
XIII.

353. In addition to his own proper duties, as above detailed, the Medical Subordinate will render the Medical Officer every assistance, exercising general vigilance over all matters which can in any way affect the health of any of the inmates of the jail, and reporting to the Medical Officer any instance in which he believes that rules affecting the health of the prisoners have been infringed, as for example, in such matters as the following:—

To assist Medical Officer generally.

- (a) Overcrowding of wards, workshops, or other spaces.
- (b) Incorrect weighment or distribution of food.
- (c) Unseasonable, worn out or dirty clothing.
- (d) Neglect of personal cleanliness.
- (e) Undue exposure of prisoners to wet or sun.
- (f) Unpunctuality or curtailment of meals.
- (g) Neglect to air, dry or clean bedding.
- (h) Unsuitable tasks, especially in the case of weak men.
- (i) Save in emergencies the use of workshops as dormitories or *vice versa*.
- (j) Deficient or incorrect issue of important articles of diet, such as salt, spices, oils and antiscorbutics.

SECTION VII.—COMPOUNDERS

354. Compounders of jails shall be duly qualified compounders who have passed the tests prescribed by the Central Provinces and Berar Medical Department.

Compounders to be qualified.

355. Compounders of jails shall serve under the immediate control of the Medical Subordinate and shall obey all the orders of that officer which are not inconsistent with the Medical Officer's instructions and the law and rules regarding prisoners.

Control of Medical Officers on compounders.

See para.
329.

356. In jails where there is only one whole-time Medical Subordinate and a compounder, the Medical Officer shall specify in his minute book the hours during which the compounder shall attend in the jail and what duties he shall perform.

Medical Officers to specify hours of duty.

357. Compounders attached to provincial institutions such as jails, are eligible for pension, but those serving in institutions financed from dispensary funds are not pensionable. This should be borne in mind when transferring compounders from provincial to local fund institutions and *vice versa*.

Appointments of compounders pensionable.

SECTION VIII.—DEPUTY SUPERINTENDENT FOR FACTORIES

Appoint-
ment of
Deputy Sup-
erintendent
of Factories.

358. An officer to be called Deputy Superintendent for Factories may be appointed to any jail in which any large organized industry is carried on, for the purpose of superintending the manufactory department of such jail in all its branches. Such appointment shall be made by the Provincial Government after consulting the Provincial Public Service Commission. Officiating arrangements in leave vacancies for short periods shall be made by the Inspector-General of Prisons.

NOTE.—In respect of the post of Deputy Superintendent of Factories and subject to the exceptions in regulation 8 of the Public Service Commission (Limitation of Functions) Regulations, 1937, the Public Service Commission shall be consulted on disciplinary matters.

Status of
Deputy Sup-
erintendent.

359. The Deputy Superintendent for Factories shall take rank above the Jailer, who shall carry out all orders issued by the Deputy Superintendent in regard to matters relating to his own department provided they be in accordance with the jail rules and the Superintendent's instructions.

To assist all
jail officials in
the mainten-
ance of order
and dis-
cipline.

360. The Deputy Superintendent for Factories shall, as an officer of the jail, make himself thoroughly acquainted with all the jail rules, with which he shall strictly comply, and shall assist the Superintendent and other jail officials to maintain order and discipline. In case of emergency he will be expected to render assistance at any time. But he shall not have power to interfere in any way with the administration or management of the jail in matters not directly connected with the superintendence of the manufactory department thereof.

Suspension,
removal or
dismissal of
Deputy Sup-
erintendent.

361. The Deputy Superintendent of a jail may, for good and sufficient reasons, be removed from his appointment, or dismissed from service by the Provincial Government after consulting the Provincial Public Service Commission.

Duties as
regards
manufactory
department.

362. The Deputy Superintendent shall be responsible for the efficient management of the manufactory department and shall conduct all operations relating to the manufacture of articles in the jail to the greatest possible advantage of the Government and subject to the control of the Superintendent, whose orders he must obey.

Principles
for deciding
upon work to
be done in
factories.

363. In deciding upon work to be done, the Deputy Superintendent must exert himself to ascertain what are the branches of labour which will meet the requirements—

firstly, of the jail service;

secondly, of the local Public Works Department and local bodies; and

thirdly, of other consuming departments of Government, and after these means of employment are exhausted he must make himself acquainted with the state of the market and ascertain what other industries are likely to be most profitable, and how articles can be best disposed of. He will be regarded as partly responsible for the pecuniary success of the jail.

364. For supplying raw material, the best practicable arrangements shall be made, and if contracts are entered into, the Superintendent shall satisfy himself of the respectability of the contractor, and also that no corrupt arrangement is made between the contractor and jail officers and shall report the matter to the Inspector-General of Prisons, furnishing him with a copy of the contract. Contracts may, with the approval of the Inspector-General, be made by the Superintendent with mercantile firms or individuals for the disposal of articles of jail produce or manufacture.

Contracts
for disposal
of jail
produce

365. All accounts regarding manufactures shall be kept by a paid jail servant, and he shall be under the supervision of the Jailer or Deputy Superintendent, who shall be responsible for the correctness of the accounts.

Manufactory
accounts.

366. The Deputy Superintendent shall, subject to the approval, orders and control of the Superintendent, purchase the raw materials required for use in all branches of the manufactures, and, for this purpose, it will be his duty to acquaint himself with the chief markets where and at what season articles can be best bought, so that purchases shall always, as far as practicable, be made in the cheapest market and at the most favourable rates obtainable.

Deputy Super-
intendent
may pur-
chase mate-
rials and
conduct
business.

367. The Deputy Superintendent shall use every endeavour to improve the quality of the work turned out in the manufactory department, and he shall be responsible that articles not according to specification are specially brought to the notice of the Superintendent. He shall satisfy himself from time to time that the work turned out in each branch of industry is commensurate with the labour employed and the raw material consumed.

Duties of the
Deputy Super-
intendent
as regards
the manu-
factory
department.

368. The Deputy Superintendent shall make himself acquainted, as far as possible, with the character and industry of every prisoner working under him, and assist the Superintendent in allotting remissions and granting rewards for good work. He shall report to the Superintendent for punishment all prisoners failing to complete their allotted tasks or doing bad work, as well as all breaches of jail discipline which has come within his cognizance.

369. All stores maintained in the manufactory department of the jail, whether consisting of raw material, material in process of manufacture or manufactured goods, machinery, plant, tools or other articles shall be under the care and supervision of the Deputy Superintendent, who shall at all times be liable to duly account therefor to the Superintendent.

370. The Deputy Superintendent shall cause proper accounts to be kept of all stores purchased, received in stock, expected, respectively, and of all moneys of whatever kind at any time received or expected by him or under his authority or orders. He shall be responsible that all registers and accounts prescribed and relating to the manufactory department, are at all times correctly prepared and kept up to date, that proper vouchers for all issues of stores and payments are obtained,

kept in safe custody, and produced when called for by the Superintendent, and that his accounts are duly audited under proper authority.

371. The Deputy Superintendent shall periodically examine all cash, stores, machinery, plant, tools, raw materials, materials in process of manufacture and manufactured articles and satisfy himself that the cash, stock, materials, manufactured articles, machinery, plant and tools are equivalent to the balance shown in the accounts.

372. The Deputy Superintendent shall be personally liable for any defalcations, loss or damage in any way due or attributed to any negligence, disobedience or misconduct on his part.

NOTE.—The Deputy Superintendent is required to keep a constant watch over the receipts and expenditure of the manufactory department and all property of whatever kind relating thereto. He is liable for defalcations on the part of every officer serving under his orders, which have been in any way facilitated or rendered possible by any neglect of duty or omission on his part to exercise effective supervision.

Deputy Superintendent to maintain a report book.

373. The Deputy Superintendent shall maintain a report book in which he shall make entries of all matters requiring the orders of the Superintendent, such as requisitions for prisoners, material, machinery, tools, plant and the like; the manufacture, sale or despatch of goods, the recommendations of every kind relating to the manufactory department. Orders relating to manufacture, passed by the Superintendent shall be entered in the report book.

Hours of work and residence.

374. The Deputy Superintendent shall enter the jail manufactory sufficiently early each morning to superintend the distribution of the labour gangs and he shall ordinarily remain inside the jail throughout the day.

375. Quarters shall be provided for the Deputy Superintendent at the jail in which he shall reside. He shall not absent himself from his duties without the permission of the Superintendent, unless he is sick, in which case he shall furnish a certificate of sickness from the Medical Officer. He may absent himself for meals and other purposes at such hours and for such periods as the Superintendent may fix.

SECTION IX.—JAILERS

Jailer to have knowledge of all rules.

376. The Jailer shall be responsible for the strict carrying out of all the law and rules relating to the management of the jail and prisoners. He should, therefore, make himself thoroughly acquainted with them and with the circulars issued by the Inspector-General.

Responsibility for custody of prisoners and discipline in jail.

377. The Jailer's chief duties are to secure the safe custody of prisoners, to enforce discipline among prisoners and his subordinate, to ensure that prisoners sentenced to rigorous imprisonment do the work assigned to them, and to maintain a high standard of health among them, so far as can be secured by strict compliance with the rules and orders made with this object. He shall visit every part of the jail daily, including cells

See also Secs. 16-19 of Act IX of 1894.

and hospital, and see every prisoner at least once in every 24 hours. He must always be present in the jail or jail grounds during the day except when he takes his meals and reasonable relaxation, or has to attend a court of justice, or on permission from the Superintendent.

378. It shall be the Jailer's duty to be always present when the prisoners are locked up at night and taken out of the wards in the morning and his duty cannot be delegated except with the permission of the Superintendent, unless the Jailer is sick and unfit for duty. When it is so delegated a note of the fact must be made in the Jailer's report book. In large jails a part of the unlocking and locking up must be performed by the junior Jailer, Assistant Jailer or head warder, who shall be responsible for the proper performance of their portion of the work; but the Jailer must ascertain from these officers that everything is correct and that every prisoner is present. He shall also see that all keys are counted and properly disposed of every night as required by rules.

To be present at the time of opening and locking up of prisoners.

See para. 1055.

379. It shall be the Jailer's duty, on the admission of a prisoner, to satisfy himself that the warrants are in order, to take from the prisoner all money, jewellery and other articles found upon him, and all clothing not required in jail, and to see that the same are properly entered on the prisoner's warrant. When the property consists of money, the amount shall be entered in the contingent cash-book. He shall present the prisoners as soon as possible before the Superintendent and the Medical Officer, as required by the rules.

Duty on admission of a prisoner.

See para. 983.

Sec. 74, I.P.C.

380. The Jailer is responsible for the strict enforcement of the terms of all warrants; he shall see that the name of every prisoner is, on his arrival, entered in the release-diary under the date on which he is to be released; that in case of the prisoner's obtaining a remission of sentence, or receiving any additional sentence while in jail, the entry in the release-diary is transferred to the correct date and that no prisoner is on any account released before his time or kept in jail beyond the termination of his sentence, or beyond the date on which under the remission system he is entitled to be released. If whipping is imposed in addition to imprisonment the Jailer shall see that the prisoner is brought up for execution of this sentence on the proper day. If a prisoner is sentenced to solitary confinement, he shall see that an entry is made in a register of prisoners so sentenced and that the prisoner is placed in a cell at proper intervals for prescribed periods as required by law.

Responsibility for custody of warrants and strict enforcement of their terms.

See paras. 350, 307 and 803.

381. The Jailer shall assign work to each prisoner subject to the control of the Superintendent, and shall see that the task is properly entered in the history-ticket and that all changes of labour are so entered. In the distribution of labour he shall invariably consult the result of the fortnightly weighments, and

Duties as regards distribution of labour.

see that no prisoner who is losing weight is placed on any labour that is likely to injure his health. This duty cannot be delegated to any subordinate without the permission of the Superintendent who, however, in Central Jails, if he considers it expedient, may entrust it to his Deputy Superintendent and to the octagon officers.

Duties as regards weighing, issue and distribution of rations.

382. The Jailer shall be held responsible for the proper weighing and issue to the cooks of prisoners' rations, and for seeing that they are properly cooked and distributed so that every prisoner receives his proper quantity; but subject to such responsibility, he may, with the permission of the Superintendent, delegate these duties to an Assistant Jailer.

Prisoners requiring medical attention to be put up before Medical Officers.

383. The Jailer shall arrange that every prisoner who is desirous of seeing the Medical Subordinate or who is ill, or whose state of mind or of body appears to require medical attention, is shown to the Medical Subordinate without delay, and he shall record the circumstance on every such prisoner's history-ticket. See para. 1148.

To carry out directions of Medical Officer or Medical Subordinate.

384. All directions entered by the Medical Officer or Medical Subordinate on a prisoner's history-ticket relative to the treatment of such prisoner shall be complied with by the Jailer, unless they are contrary to any standing orders, or unless the Jailer has not the means or power to carry them out. In every case the Jailer shall record on the prisoner's history-ticket, in respect of every direction, what action he has taken, or why he has not taken action; and in any case he considers it improper to comply with any direction, or is unable to do so, he shall show the history-ticket to the Superintendent at his next visit and obtain his orders thereon. He shall carry out forthwith emergent written orders of the Medical Officer regarding the sick in hospital.

Duty on occurrence of death of a prisoner.

385. When any prisoner dies, the Jailer shall send immediate notice of the death to the Superintendent and the Medical Officer, also to the Medical Subordinate, if he is not already acquainted with the fact. A return of every death of a prisoner or any person residing on the jail premises shall be furnished by the Jailer to the prescribed public official. See para. 1009.

Death of European prisoner.

386. The death of every European or American prisoner, with details of his parentage and previous residence, if known, shall be reported by the Superintendent to the Magistrate of the district. If the prisoner be a soldier of the British Army, the report shall also be made to the Adjutant-General, Army Headquarters.

Death of female prisoner.

387. If a female prisoner dies in the jail, and leaves a child, notice shall at once be sent to the Magistrate of the district in which her home is situated, with a view to the child being received by its friends. Should no relation or friend be

found willing to take the child, arrangements shall be made for placing it in some approved institution where orphans are received and educated.

388. A notice of the death of any under-trial prisoner or suspected lunatic shall be sent as soon as possible by the Superintendent of the jail to the court or other authority under whose warrant or order such under-trial prisoner or suspected lunatic was detained.

Death of under-trial prisoner.

389. The Jailer shall note every breach of jail rules in the prisoner's history-ticket and shall bring the offender before the Superintendent.

Action in case of breach of rules.

390. With the view to preventing the secreting or possession of contraband articles in the jail, the Jailer may cause to be searched every prisoner as he goes out of, or returns to, the jail, and shall occasionally, but at least once a week, at uncertain times, cause every prisoner and all clothing, bedding, wards, workshops and cells to be thoroughly searched.

To search prisoners when possession of contraband articles is suspected.

391. The Jailer shall be strictly guided by the rule regarding prisoners' interviews and communications with their friends or outsiders. He shall not permit any stranger or person not authorized to visit the jail, to enter the jail without the order of the Superintendent.

To prohibit unauthorized visitors to jails.

See para.
443

392. The Jailer shall be held responsible that the ward guard is properly drilled, generally efficient, clean and neat in appearance. It shall be his duty to see that the reserve guard is at all times present at the jail in full force and properly armed. He shall see that all the warders invariably sleep in the quarters allotted to them. Any neglect or offence committed by a warder or other subordinate officer which comes to his knowledge shall be reported by him to the Superintendent in his report book.

Responsibility for an efficient warder and reserve guard.

393. The Jailer is authorized to grant leave of absence from the jail to any subordinate officer without the sanction of the Superintendent; but this leave shall not extend beyond four hours and during the subordinate officer's absence the Jailer shall be held personally responsible for the due performance of the absentee's duties.

Powers as regards granting of leave.

394. The Jailer shall exercise general supervision over the work of the office. The delegation of the preparation of returns, entries in registers, or of any of the Jailer's duties to any authorized subordinate in no way relieves the Jailer of the responsibility of ensuring that these are correctly and punctually made; but his main duties are in the direct control of the prisoners and jail management. He shall write the cash books and release-diaries in his own hand, and such other registers as the Superintendent may direct. He shall daily compare the balances of cash in hand with the balance sheet shown in his cash book, and shall initial the balance shown in the cash book if correct and shall present the cash books to the Superintendent for examination daily.

Responsibility as regards office work and money.

Private money not to be used for jail purposes.

395. The Jailer is prohibited from making advances from private funds for jail purposes. In all financial transactions he shall strictly follow the procedure prescribed by the Financial Rules.

Responsibility as regards stores.

396. The Jailer, in such jails where there is no Deputy Superintendent for Factories, shall be responsible for all stores, machinery, etc., in his charge and shall tender an account, on his removal or transfer, of all manufactured goods, raw material, tools, plant, money, etc., for which he may have been made responsible. He shall see that all store rooms are kept clean and neatly arranged and protected as far as possible from vermin, birds, insects and damp. See para. 294.

On suspension or resignation, to give an inventory of all property.

397. When a Jailer is discharged or suspended, resigns, takes leave (other than casual leave), or is transferred, he shall be required, on making over charge to his successor, to give an inventory of all property, stores, etc., in his hands, which will be kept in the jail records, a copy being given to his successor. He shall give vouchers for all credit sales to the relieving officer. The Superintendent shall ascertain that the inventory is correct and complete and that the unrealised credit sales are duly vouched for. After full time for all due enquiry and not less than two months after the Jailer has left the jail, if the Superintendent be satisfied of the correctness of his accounts, a "no-demand" certificate may be granted to him. In case of the Jailer's death, the inventory shall be made by or under the directions of the Superintendent, and the certificate shall be granted and security given up after reference to the Inspector-General, and on the application of the heirs and executors of the deceased. This rule may be suspended in the case of a Jailer who takes privilege leave for not more than six weeks; but in that case the Jailer who takes leave shall be pecuniarily responsible for the stores, etc., during his absence, and the burden of proving the responsibility of his *locum tenens* for any loss shall lie upon him.

Jailer to maintain report book.

398. The Jailer shall keep a report book, in which he shall record daily the state of the jail and all occurrences of importance and shall make reports and representations. In jails in which a cell register is not kept he shall enter in his report book the names of all prisoners who slept in cells during the previous night. He should also record all cases in which he may have found it necessary to use restraint to any prisoner any violent outbreak or serious offence, accident, death, outbreak of epidemic disease or any occurrence out of the ordinary routine. In default of performing such daily visits or duties as are required by these rules he should state how far he has omitted them and the reason. He should report the absence of any subordinate officer from duty, or application for leave requiring the Superintendent's order; also enter requests for sanction for unusual expenditure, or for the employment of prisoners in any special manner, or any matters upon which he may require orders. This book shall be laid daily (or oftener, if necessary)

before the Superintendent who shall endorse his orders upon each entry, or, if no order or comment is required, append his initials.

On Monday morning the Jailer in District Jails, and in Central Jails such official as the Superintendent may nominate for the purpose, will certify in the Jailer's report book that he has carefully examined the entries made in the several registers since the preceding Monday, and that they have been found correct and up to date.

399. When a Superintendent newly assumes charge of a jail it shall be the duty of the Jailer to bring to his notice all special rules and orders relating to that jail.

To acquaint a new Superintendent with all special rules and orders.

SECTION X.—ASSISTANT JAILERS AND MATRONS

400. (1) An examination to test educational qualifications will be held from time to time at such place, date and time as the Inspector-General of Prisons may direct for the appointment of candidates as Assistant Jailers to the Jail Department. Successful candidates will be medically examined before appointment.

Educational qualifications and physical standard of candidates for appointment as Assistant Jailers. [Sect. Jail Dept. No. 291-310-V-(a), d. 30-7-34.]

(2) The minimum height of a candidate for appointment to jail service shall be 5 feet 6 inches and the minimum chest measurement 35 inches. He should possess normal vision in both eyes and be physically fit in all respects.

(3) He must be between the ages of 21 and 25.

(4) He must produce a certificate of having passed the School Final Examination or the Entrance Examination of a University or some higher examination, provided that the Inspector-General may, in exceptional circumstances, dispense with this qualification in the case of a candidate who has been well educated and is specially qualified for employment in the higher ranks of the jail service.

(5) All newly-appointed Assistant Jailers shall serve for a period of at least 2 years either in permanent or other vacancies before their confirmation. They may also be called upon, before confirmation, at the discretion of the Inspector-General of Prisons, to appear at a departmental examination to test the knowledge they have acquired of jail work and their fitness for permanent appointment to the department.

401. Assistant Jailers shall perform such special duties under the immediate orders of the Jailer as shall be prescribed by the Superintendent. The duties of each Assistant Jailer shall be recorded in writing by the Superintendent in his order book and shall be copied by the Assistant Jailer into his notebook.

402. Assistant Jailers shall obey all orders given them by the Jailer, not being orders contrary to the rules of the Jail Department or to the orders issued by the Inspector-General and shall assist the Jailer in any duty when required by him.

Assistant Jailers to obey the order of Jailer.

See exception to paragraph 461 (2).

Appoint-
ment of
matrons.

403. Matrons are appointed by the Inspector-General to the jails at Jubbulpore and Nagpur. They will have charge of the female ward and they shall perform such duties under the immediate orders of the Jailer as the Superintendent shall prescribe in his order book. Copies of such orders shall be kept by the Matrons in their note-books.

SECTION XI.—WARDERS

(a) CIRCLE OF EMPLOYMENT

Jail circles
for warder
establish-
ment

404. (1) For the purposes of the appointment, transfer and promotion of warders and the better organization of the warder establishment of the province there shall be two circles, namely, the Nagpur Circle and the Jubbulpore Circle. The Inspector-General may, however, create one or more additional circles if this is found to be necessary. The jails to be comprised within each circle shall be determined by the Inspector-General.

NOTE.—The jails comprised within each circle are as follows :—

Nagpur Circle	Jubbulpore Circle
<ol style="list-style-type: none"> 1. Nagpur Central Jail (Head-quarters Jail). 2. Amraoti District Jail. 3. Akola District Jail. 4. Betul District Jail. 5. Yeotmal District Jail. 6. Bhandara Subsidiary Jail. 7. Buldana Subsidiary Jail. 8. Chanda Subsidiary Jail. 9. Wardha Subsidiary Jail. 10. Balaghat Subsidiary Jail. 	<ol style="list-style-type: none"> 1. Jubbulpore Central Jail (Head-quarters Jail). 2. Raipur District Jail. 3. Bilaspur District Jail. 4. Narsinghpur Borstal Institution. 5. Chhindwara District Jail. 6. Saugor District Jail. 7. Hoshangabad District Jail. 8. Khandwa Subsidiary Jail. 9. Mandla Subsidiary Jail. 10. Seoni Subsidiary Jail. 11. Narsinghpur Subsidiary Jail. 12. Damoh Subsidiary Jail.

Superinten-
dents of
headquarters
jails
empowered
to appoint
warders.
Warders on
appointment
to be
informed
of conditions
of service.

(2) The appointment, transfer and promotion, respectively, of warders within each circle shall rest with the Superintendent of the headquarters jail of such circle.

NOTE.—The Superintendent of the headquarters jail is also empowered to re-entertain warders who have left the jail service for reasons other than dismissal.

(3) Every warder entertained in any jail shall be informed, at the time of entertainment, that ordinarily his appointment is made subject to his being liable to serve at any jail within the limits of the circle in which the jail is situate; but that in the interests of the service it may be necessary to transfer him to any other circle in the Central Provinces and Berar.

Warders not
to be appoint-
ed to jails
in their
native
districts and
periods after
which they
must be
transferred.

(4) No warder shall be appointed to a jail in his native district nor to a jail in a district in which he has been long resident. No warder shall ordinarily be allowed to remain in a Central Jail for more than five years, or in a District Jail for more than three years, or in a Subsidiary Jail for more than one year.

405. (1) Men for the warder establishment shall be recruited from the races which supply the army and police.

Type of men to be recruited as warders and general recruitment.

(2) The minimum height of accepted candidates for enlistment shall be 5'—5", and the minimum chest measurement 33". All candidates enlisted should possess normal vision in both eyes, be physically fit in all respects for jail service, not under the age of 18 years and not over the age of 25* years.

*See exception to para. 461 (2).

(3) As far as possible the warder establishment shall be recruited from—

- (a) pensioned soldiers of the Indian Army;
- (b) men who have resigned the army after at least three years' service;
- (c) men who have spent five years or more in the police force:

Provided that in the case of (a) men over the age of 45 years shall not be entertained and in the cases of (b) and (c) men over the age of 30 shall not be entertained.

NOTE.—Preference should be given to those who can read and write and whose chest measurements exceed the minimum laid down.

(4) When an eligible candidate presents himself for employment at any tributary jail, the Superintendent should send to the headquarters jail, with a view to his entertainment, his descriptive roll, showing his name, father's name, caste, age, height, chest measurement, personal description, whether able to read and write Hindi well, his residence, and if previously employed in Government service, in what department, for what period and under what circumstances he left it. The Superintendent of the headquarters jail shall note the names of such men as he accepts, on the roll, and intimate the same to the applicant, who, pending his being called upon to fill a vacancy, should be employed in any temporary capacity, when occasion arises. A warder so recruited should, on his arrival at the headquarters jail, be compared with his descriptive roll, to ascertain that the right person has presented himself. The character and antecedents of candidates should be verified through the Police Department.

406. (1) A service register shall be maintained at the headquarters jail of each circle. In it shall be recorded the particulars of appointment, promotion, native district, place in which service has been passed, rewards, offences, punishment and leave with the dates in each case of every warder in the circle.

Maintenance of a service register.

(2) To enable the Superintendent of the headquarters jail to maintain this record up to date, the Superintendent of every District and Subsidiary Jail shall send a statement to him on the 7th of each month, giving all necessary details for the preceding month, of departure on or arrival from leave, deaths, suspension, dismissals, absconders, offences and punishments, with the date of every occurrence.

Superintendent of headquarters jail not to revise punishment awarded by Superintendent of another jail. Vacancies to be reported to Superintendent of headquarters jail. Procedure when warders are granted leave.

(3) The Superintendent of a headquarters jail has no power to revise or modify any punishment awarded by a Superintendent of any other jail, but if it comes to his knowledge that a Superintendent has exceeded his powers, he should draw his attention to the fact with a view to revision of the punishment. Any difference of opinion should be referred to the Inspector-General.

(4) When a permanent vacancy occurs in any jail, the Superintendent shall report the fact to the Superintendent of the headquarters jail at once with a view to the vacancy being filled up.

407. The warder strength of all Central, District and Subsidary jails allows for a leave reserve of approximately 9 per cent, and under ordinary circumstances this number should not be exceeded. Should exceptional circumstances arise which necessitate the grant of leave in excess of this number the Superintendent of the jail concerned should apply to the headquarters jail for a substitute, before sanctioning the leave. If the Superintendent of the headquarters jail has already allowed his full 9 per cent to go on leave, and cannot therefore spare a substitute, a warder from the jail concerned who is on ordinary leave must be recalled in place of the warder granted leave under the exceptional circumstances.

NOTE. - Should the Inspector-General consider it absolutely necessary to grant leave without allowances to any warder and his work cannot be managed by the existing staff, he may appoint an outsider in place of the warder granted leave, subject to the condition that every such case is reported to the Government for confirmation as early as possible after the appointment is made. C. P. Govt. Jail Deptt. No. 603-533-V(a), d. 5-12-30.

Procedure relating to transfer of warders.

408. (1) When a transfer of a warder is ordered by the Superintendent of a headquarters jail, he shall fix a date on which the warder concerned shall start for his destination, allowing sufficient time for his instructions to be received and to be acted upon, and the warder shall be despatched on the date fixed unless this is impracticable on account of sickness or for some other equally important reason, in which case timely intimation shall be given to the Superintendent of the headquarters jail, to enable him to make other arrangements and fix some other date if necessary. No casual or other leave shall be granted to a warder whose transfer is ordered, so as to have effect after the date fixed for his despatch.

(2) Transfers of warders from one circle to another shall not be made except for special reasons, and then only mutual interchange shall be allowed, with the consent of the parties concerned and the Superintendent of both headquarters jails. Each warder so transferred shall pay his own travelling expenses.

409. No warder who has been dismissed from jail service shall be again entertained without the sanction of the Inspector-General.

Inspector-General's sanction required to re-entertain warders who have been dismissed from jail service.

410. (1) Every warder shall be required, from time to time, to undergo such instruction and practice in the nature of military training, as may be necessary to acquaint him or to keep him acquainted with squad and company drill, and to render him thoroughly efficient in the use of the arms at any time prescribed for the use of warders.

Warders required to undergo military training.

(2) Warders shall be subject to such discipline in the nature of military discipline, as may, in the opinion of the Inspector-General, be deemed necessary for the efficient discharge of all duties and functions connected with the protection and management of the jail.

(b) ADDITIONAL ESTABLISHMENT OF WARDERS

See paras. 211, 245, 583 and 1093.

411. When, for any sufficient reason, it is, in the opinion of the Superintendent, necessary to entertain any number of warders in excess of the sanctioned scale for his jail, and the matter is so urgent that the previous sanction of the Inspector-General cannot be obtained, the Superintendent may subject to immediate reference to the Inspector-General and in anticipation of sanction, entertain such number of additional warders as may be necessary. Such additional warders will receive the pay of warders newly enlisted.

Entertainment of additional warders.

NOTE 1.—When applying for sanction details of the number of men entertained the reasons for entertaining them, and the time for which they will be required should be stated.

NOTE 2.—Temporary warders desirous of continuing in jail service should be brought on the permanent establishment as vacancies occur, provided they have given satisfaction and possess the necessary qualifications for enlistment.

(c) HEAD WARDERS

412. Head warders shall be appointed by promotion from the most deserving warders who are qualified for such appointment. These appointments are made by the Superintendent of the headquarters jail. It must be distinctly understood that such promotions will be made by merit and by seniority, and not by seniority alone.

Appointment of head warders.

413. It shall be the special duty of every head warder to—

- (a) superintend the warders subordinate to him in the discharge of their duties;
- (b) assist in every possible way in the management of the jail, the prevention of escape and the maintenance of order and discipline generally, amongst his subordinate warders and prisoners;
- (c) comply with the requirements of all laws, rules, regulations, directions and orders for the time being in force as to the duties which he is to perform and the manner in which he is to perform them;
- (d) obey the orders of all officers superior to him in rank;
- (e) assist the Jailer in all routine duties;

Duties of head warders.

- (f) open, in the presence of the Jailer, the sleeping wards, cells and other compartments each morning and count the prisoners;
- (g) distribute the prisoners who are liable to labour to their respective work gangs;
- (h) cause the name of every prisoner placed in charge of any paid warder and convict overseers to be entered in the proper gang-book;
- (i) issue all necessary tools, implements, raw materials, and other articles required for the day's work and to make a record of all articles so issued;
- (j) collect all such articles, together with the produce, if any, of the prisoner's labour, after the period prescribed for work is over each evening;
- (k) satisfy himself that all articles issued have been duly returned to him or accounted for;
- (l) measure or check the task (if any) performed by each prisoner and note the same in the prescribed task record;
- (m) superintend the use of the latrines and all bathing and feeding parades;
- (n) issue rations to the cooks and see that no part of the food, especially the oil, is misappropriated;
- (o) check the prisoners at each change of guard during the day and night;
- (p) cause all gratings, doors and the like to be secured and satisfy himself from time to time that they are secure;
- (q) cause all bamboos, scantlings, poles, ladders, ropes, well-gear and other articles likely to be used for, or to facilitate the escape of any prisoner to be removed and placed beyond the reach of the prisoners in the places prescribed for storing or keeping the same;
- (r) keep constantly moving about, during his hours of duty, amongst the prisoners, supervising the work and discipline of the jail and keeping the warders and convict officers on the alert;
- (s) in the presence of the Jailer, to count, search and lock the prisoners up in their respective wards, cells, and other compartments, at the prescribed time, each evening.

Duties as
regards
reliev
ing head
warders.

414. Each head warder, previous to coming on duty, shall collect the warders of the relieving guard at least ten minutes before the time for changing guard; he shall march the warders in double file to their respective posts, and see that every warder relieved at once falls in at the rear of the file and marches with the rest until the relief is completed, when the whole relieved guard shall be marched back to their barracks.

415. Each head warder on day duty shall likewise see that the day gate sentries and gate-keepers are changed every three or every six hours, according to instructions. At Central Jail the gate sentry shall be changed by the reserve head warder or first grade warder of the reserve.

Head warders to see that gate sentries and gate-keepers are relieved according to instructions.

416. Head warders shall be responsible for the appearance and discipline of their warders. Any warders found to be improperly dressed whilst on duty must be reported by the head warder.

Responsibility for appearance and discipline of warders.

417. Head warders shall see that no dirt or litter is allowed to lie about the jail, and that the drains are kept clean; that the wards are cleaned and ventilated during the day-time, and that the bedding is properly folded and arranged in them.

Responsibility for cleanliness of jail.

418. Head warders shall exact strict compliance on the part of both warders and convicts with all the rules of the department, and shall report every breach of them that comes within their knowledge to the Superintendent or Jailer. Should it be proved that any head warder has wilfully neglected to report a breach of discipline of which he is cognizant, he shall be liable to severe punishment.

To report breach of discipline to Superintendent or Jailer.

See para. 1002.

419. In the event of an escape taking place, the head warders shall be held primarily responsible unless they can satisfactorily prove that the escape was due to no laxity of duty on their part.

Responsibility as regards escapes.

420. Each head warder shall be on duty in the jail for half the day and for one watch at night. Every head warder shall also be on duty at the opening and locking up of the wards, and shall attend drill once a day until he himself becomes qualified to drill the warders. On a head warder becoming qualified in drill, it will be sufficient for him to attend drill twice a week.

Duties as regards attendance and drill.

See para. 494.

421. The periods of duty shall be so arranged that a head warder shall be present at every change of warders during the day and of patrolling warders at night.

Head warders to be present at every change of guard.

422. At each change of watch the relieved and relieving head warder or gate-keeper on duty shall, without entering the female ward enclosure, ascertain by calling out to the convict-watch-woman whether all the female prisoners are in safe custody.

Procedure in relieving guard over female prisoners.

See para. 435.

423. The key of the key cupboard at the main gate shall be kept by the senior head warder on duty during the day-time and be delivered to the Jailer after lock-up at night. Any keys he may have to carry about his person whilst on duty shall be attached to a stout chain.

Custody of keys.

(d) GATE-KEEPERS

Head warders to perform the duties of gate-keepers.

424. Two head warders ordinarily in Central Jails, and two senior warders, in District and Subsidiary Jails, shall, if qualified, perform the duties of gate-keepers. No warder who cannot read the entries in a gate register, who cannot write his own language clearly, neatly and with ease, and who has not some knowledge of arithmetic, shall be appointed as gate-keeper or be promoted to the rank of head warder. Great care should be exercised by Superintendents in selecting the best men and in testing their competence to perform this responsible duty. A certificate of fitness to keep the gate register shall be entered in every literate warder's service book and signed by the Superintendent and Jailer.

Duties of gate-keeper.

425. The gate-keeper of the first watch shall come on duty at the opening of the jail, and each gate-keeper shall remain between the gates until duly relieved. For these officers the day may be divided into either two or four watches, as deemed expedient. At each change of gate-keeper an entry of the hour of change shall be made in the gate-keeper's registers (referred to in the following rules) by both the relieved and the relieving officers.

Gate registers.

426. The gate-keeper shall keep two gate registers; in one he shall record the names of all prisoners or persons who pass out of or into the jail, and in the other he shall make notes of all goods, tools, or stores passed either into the jail or out of it through the gate. He shall, to the best of his ability, prevent the improper removal of any property from within the jail or the introduction into it of any forbidden articles. In Central Jails and in large District Jails a convict able to read Hindi and to write in it and selected under paragraph 689 for the appointment of convict-writer, may be employed to assist the gate-keepers to keep these books with the Inspector-General's sanction. A convict allowed to assist the gate-keeper, shall on no consideration be entrusted with keys. See para. 616 (10).

Only one gate to be opened at a time.

427. The gate-keeper shall open only one gate at a time and shall never under any circumstances have both gates open at once. Whether the person who has to pass through the gates is a high official or a prisoner, the first gate through which he passes shall invariably be both carefully bolted and securely locked before the second gate is opened. Neglect of this rule shall render the offending gate-keeper liable for the first offence to a fine of half a month's pay, and for the second offence to dismissal. The Jailer shall also be held responsible for seeing that this rule is strictly observed.

Custody of main gate keys.

428. The main gate keys shall be kept in a bunch with eight others somewhat similar to, though not exactly resembling, them, and shall be attached by a stout chain to the wrist of the gate-keeper. This will add materially to the security of the jail by making it difficult for prisoners to obtain the keys and to ascertain which of them will fit the locks of the gate.

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429. When prisoners have to be passed out of or into the jail, the following procedure shall invariably be followed :—

The gate-keeper shall first let them pass through the inner gate, and having done so he shall lock it, he shall then take his gate register and write in full in it the name of every prisoner of a gang leaving the jail, the name of the paid warder who is in charge, and the name of the convict overseer who is assisting him. These entries having been carefully made, he shall open the outer gate and count the prisoners out one by one in order to see that there is no mistake in the total number entered in his note-book. The list of the gang having once been made in the gate register need not be rewritten on each occasion of the passage of those prisoners through the main gate; but every change in the gang must be noted. On the prisoners of the gang returning he shall open the outer gate, the inner one being carefully locked first, and admit them to the passage between the gates. He shall then lock the outer gate, take his note-book and call out the name of each prisoner, the convict overseer and the paid warder, each man answering as his name is called out. The gang having been found correct, he shall open the inner gate and count each man into the jail one by one to see that there is no mistake in the total number. The gate-keeper shall carefully compare the names of the warder, convict officers and prisoners entered in the gang book with those given him at the time of the exit of the gang from, or entry into, the jail; should he detect any discrepancy he will detain the gang between the gates and apprise the Jailer of the fact. Under no circumstances whatever shall this procedure be departed from, and no prisoner shall be allowed to leave the jail unless he is in charge of a paid official.

Procedure when prisoners are received or passed out of jail.

430. The gate-keeper shall note in the gate register the hours at which the different jail officials pass into and out of the jail, but he shall not allow any subordinate jail official to pass out the jail, during such official's tour on duty, without the written order of the Jailer; he shall help the Assistant Jailer to receive new prisoners, and shall also assist in effecting petty sales at the gate, recording, in regard to each item, the article sold, quantity, rate, value received, and name and residence of purchaser. At the end of his turn of duty he shall enter in writing the total of sums of money received by him and shall sign his name thereto, or if nothing has been received shall make an entry to that effect; the relieving gate-keeper shall receive and verify the amount and also sign the entry. The Jailer on receiving from the gate warder cash for articles sold at the gate shall enter in red ink at the end of the gate-keeper's entries, the amount received, with initials and date. The gate-keeper shall be responsible for the cleanliness of the main gates and the passages between them, and all fetters and other articles placed there under his charge, and may employ prisoners awaiting release in keeping everything perfectly clean.

Other general duties.

431. In the passage between the main gates should be kept the following articles :—

The jail clock.

A locked key cupboard fixed to the wall.

Measuring rod.

Maintenance of articles in the passage between the main gates.

Fetters and hand-cuffs hung on the wall ready for use.
A standing desk for the gate-keeper's books and writing materials.

In Central Jails the measuring rod can be kept at the central tower if more convenient.

Admission of
officials,
visitors and
outsiders.

432. The gate-keeper shall be furnished with a list of the See Chapter
officials and visitors who are entitled to enter the jail, and on XXII.
presenting themselves at the gate shall at once admit them; but
shall not admit outsiders without a pass from the Superintendent.

Power to
stop
and search
prisoners.

433. The gate-keeper is authorized to search all persons See sec. 21.
passing into or out of the jail, except those whose names are
included in the list of official and appointed visitors with which
he is furnished, or such persons as may be exempted by the spe-
cial order of the Superintendent or Jailer. All official and ap-
pointed visitors, casual visitors admitted by special order of the
Superintendent, and the higher officers of the jail including head
warders, shall ordinarily be exempt from being searched. Should
he have reason to suspect that any person exempted from search
is introducing or removing articles which ought not to be taken
into or out of the jail, he may detain the person between the
gates, and must give immediate notice to the Jailer, who will
himself search the person. A copy of these orders shall be hung
up in the passage between the main gates for general information.
He shall search all the prisoners who pass through the gates.
When the number of prisoners passing through the gates is large,
the Jailer may specially depute other warders to assist him at
times when prisoners are going to, or coming back from, extra-
mural work. If on searching an officer or outsider any article is
found, which ought not to be taken into, or out of the jail, he
shall send immediate notice to the Jailer, if on a prisoner he
shall report it at the first opportunity.

To report
cases
of prisoners
taken out of
jail contrary
to rule.

434. Prisoners who are allowed to go outside the jail gate See paras.
shall be specially selected by the Jailer with the sanction of the 423 and 684.
Superintendent. Should it come to the knowledge of the gate-
keeper that any prisoners are being taken out of the jail contrary
to rule, he shall make a note of the fact in his book, report to the
Jailer at once, and subsequently to the Superintendent on the
first opportunity. He should see that every prisoner, not a
convict officer, passing out has put on an ankle-ring and stop
any who has not one. All prisoners, employed in the offices or
about the main gates shall be placed under the special charge
of the gate-keeper.

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Disposal of
gate keys at
time of
lock-up.

435. The gate-keeper shall not allow the keys of the inner See para.
and outer main gates to pass out of his personal custody until 423.
the lock-up is completed in the evening. The gate-keeper shall
then, in the presence of the Jailer, make over the key of the
large folding doors of the inner gate to the chief head warder,
who shall lock it up with other keys not required for the night
in the gate key cupboard. The sentry shall only be in possession
of the keys of the wicket gates of inner and outer main gates.

436. A hurricane lantern shall always be kept burning between the gates at night.

A light to be kept between gates.

(e) WARDERS

437. Each warder shall have a particular duty assigned to him by the Superintendent or Jailer; such as—
charge of a particular ward or set of wards;
charge of a particular workshop or set of workshops;
charge of a particular gang of prisoners inside or outside the jail.

General duties of warders

See para. 925.

The posts and duties of warders shall be frequently exchanged so as to prevent the warders from forming permanent relations with any of the prisoners.

438. Warders in charge of workshops will be responsible for all tools and property kept in them.

439. It shall be the duty of all warders not merely to prevent escape but also to aid their superior officers in seeing that prisoners carry out the rules of the jail, that they industriously apply themselves to their work and complete their tasks; also

- (a) to count the prisoners made over to them, and to declare the number to the head warder;
- (b) to stand or patrol whilst on duty. On no consideration may a warder take off his belt and lie or sit down whilst on duty;
- (c) to know the number of prisoners in their charge; to count their prisoners frequently during their turn of duty; and to satisfy themselves that they have in their custody the correct number;
- (d) to search all prisoners of their gangs at the time they are made over to them, likewise before they give over charge of them to any other person, and at such other times during their watch as may be necessary, and to report the discovery of any forbidden articles upon any of the prisoners in their charge;
- (e) in the case of convicts sentenced to labour, to report all cases of idleness and short work;
- (f) to prevent all loud talking or laughing, singing, playing or quarrelling and other unseemly behaviour;
- (g) to prevent the unauthorized use or possession of tobacco or smoking implements or of any drugs or of money or unsanctioned articles of food. They will see that prisoners do not steal or eat grain, vegetables, berries or fruit and drink no water, except that prepared and supplied for their use;
- (h) to see that the prisoners march two by two when moving from one place to another, and that they do not leave their proper places, or loiter about the jail. In the event of a prisoner being found separated from his gang, the warder in charge will be punished;

See para. 711.

- (i) to see that no prisoner leaves his own enclosure, without authority or communicates with any prisoner with whom he has no proper concern or with a prisoner of another class;
- (j) to see that no dirt or litter is allowed to lie about the jail, and that the drains are kept clean; and to report *mehtars* or sweepers who neglect their work;
- (k) to report prisoners urinating or defecating into the drains or in any place other than the places provided for the purpose, and to bring to the notice of the Jailer any prisoner who goes to the latrine in work time;
- (l) to see that any prisoner who has to go to the latrine at unauthorized times is made over to the charge of a responsible officer whilst away from his gang;
- (m) to see to the cleanliness of the clothes, bedding, rings, fetters, brass tumblers, plates and cups of the prisoners in their gangs and proper arrangement of their kits; that the prisoners bathe only at the bathing parades and that bedding is aired according to order;
- (n) to bring to the notice of the Jailer any sign of sickness or any prisoner complaining of sickness;
- (o) to report any plots against the jail authorities for the purpose of escaping or of assault, or outbreak, or of obtaining forbidden articles, and every breach of jail rules;
- (p) to report any case of wilful injury to clothing or jail property;
- (q) to prepare prisoners for muster and for parades, and to see that each prisoner comes to his proper place in proper order, behaves well and keeps silent;
- (r) to blow his whistle at once if any prisoner be missing;
- (s) to see that no food is secreted by the prisoners, that every prisoner gets his proper allowance of food, and that no prisoner gives his food to another; to report any cook who gives a short allowance, or favours a prisoner by giving too much;
- (t) to keep his arms and accoutrements clean and in good order and fit for immediate use;
- (u) on being relieved of any particular duty to carefully explain to his successor any special points connected therewith.

NOTE.—Any warder breaking any of these rules, or disobeying any order of the Superintendent or Jailer, or insubordinate to any superior official is liable to the penalties set forth in paragraphs 482, 483, 486 and 487.

Uniform to warders.

440. Every warder shall be provided with uniform in accordance with the scale laid down by paragraph 530. He shall at all times, as directed in paragraph 474 whilst on duty, be properly and cleanly dressed in his uniform, and shall wear his belt and carry a baton.

(f) RESERVE GUARD

441. In all Central and District Jails and the Borstal Institution a certain proportion of the guard in accordance with the prescribed scale laid down in paragraph 509 shall be detailed to act as reserve guard. This guard will be detailed under the orders of the Superintendent of the Jail and shall consist of men who know their drill and are efficient in the use of firearms. It shall be under the charge of a special head warder, who, if possible, should be retired soldier of the Indian Army competent to give the warders a thorough military training.

442. The duties of the reserve head warder shall be—

- (a) to drill all warders once a day, giving each warder at least half an hour's drill, unless the warders are drilled at the police lines with the police, in which case he shall himself attend drill at the police lines;
- (b) to drill in extra time and for the time ordered any warder punished with extra drill;
- (c) to report every warder who absents himself from drill;
- (d) to see that no warder absents himself from the jail premises without due authority, and to report every warder who offends in this respect stating the period of absence;
- (e) to inspect daily all arms and accoutrements and to see that they are kept clean, in good order, and fit for immediate use. Each warder shall have his own particular musket and accoutrements, and the head warder of the reserve shall keep a list of the warders and numbers of the arms, etc., given into their respective charges;
- (f) to have charge of the armoury and ammunition magazine, the spare belts, the pouches, keeping the key on his person; to see that the ammunition is kept dry and in good order (and that in Central Jails 20 rounds of ball ammunition are always kept on the rifle rack by the side of each rifle, and in District Jails 50 rounds).

NOTE—In Subsidiary Jails, where there is no reserve guard, the senior head warder shall see that 20 rounds of ball ammunition are always kept in a cloth bag hanging in the armoury for immediate use.

- (g) to see that all warders when on duty are always properly dressed, and to report every man who is not so; and also to see that paragraphs 446 and 448 are strictly complied with;
- (h) to take one turn of watch at night;
- (i) to see that the guard room is kept clean and neat and the beds properly arranged;
- (j) to keep an account of ammunition in stock, received and expended;

General
duties
of reserve
head warder.

See paras.
536 and
576.

(k) on the arrival daily of the Superintendent at the jail gate, to present himself and make reports on the following points :—

First—whether during the preceding 24 hours the reserve guard was at any time below its full strength, and, if it was, the cause;

Second—Whether any visiting official of the jail visited the jail at night, or whether any other matter of importance was reported to him by the gate sentries;

Third—whether the arms and ammunition in the magazine are ready for immediate use;

Fourth—any irregularities or misconduct committed by warders, and warders absent without leave.

Reserve head warden responsible that guard is ready for immediate action.

443. The Jailer as well as the reserve head warden, shall be held responsible for seeing that the number of men in the reserve available for immediate action is never less than that fixed. In the event of permission being given to leave the jail premises, or of leave of absence being granted to any of the reserve guard, the Jailer shall arrange to provide substitutes from the general body of warders, and whilst these substitutes serve on the reserve guard, they must strictly comply in every respect with the rules for the reserve. See paras. 392 and 509.

Reserve guard to assist in outbreaks and escapes.

444. The reserve guard shall be ready at all times at a moment's notice to turn out fully armed and equipped, should their services be required to quell any outbreak or to prevent any combined attempt to escape. The men shall be armed with breech-loading muskets and cartridges loaded with ball. The muskets for each man of the reserve guard shall be kept in the guard room. The remaining muskets and the ball ammunition, arranged as laid down above, are to be kept in the magazine, the key of which will be in charge of the reserve head warden or his substitute when he is absent. In the magazine all reserve ammunition of ball other than that mentioned above is to be kept in a separate chest or cupboard, the key of which shall be with the Jailer. See para. 1005 (e).

Reserve guard to furnish sentries.

445. It is likewise their duty to furnish one sentry at the main gate, both day and night; the turn of duty may be 2 or 3 hours according to the number of men available. The day sentry at the main gate shall be posted immediately outside the iron-barred gate and shall carry his rifle with bayonet fixed. The sentry on duty shall be provided with not more than 5 or less than 3 rounds of ball ammunition loose and ready. In case of any attempt of prisoners to break through the gate, he is required to give immediate alarm to the rest of the reserve guard, and to act under the instructions contained in rules regarding escapes and outbreaks. The Superintendent is empowered— See para. 1003 (b).

(1) to increase the number of rounds to not more than ten should he consider it necessary owing to local existing circumstances;

- (2) to decrease the number of 3—5 rounds of ball or even to substitute these by the issue of blank cartridges should he consider this advisable for any reason;
- (3) an order in both cases must be recorded by the Superintendent in his order book and a copy must be sent to the Inspector-General of Prisons reporting the necessity of such an alteration.

446. The reserve guard shall be inspected daily by the Superintendent of the Jail, and on his arrival at the Jail shall turn out in full force properly equipped, and shall present arms; the same procedure shall be followed in case of the visit of an official or non-official visitor before 9 a.m. After this hour one-half of the guard shall turn out in uniform.

Superintendent to inspect reserve guard daily.

See para. 939 (6).

447. Escorts for official and non-official visitors shall be furnished by the reserve guards. The escort shall consist of two warders, armed with batons.

To escort official and non-official visitors.

See para. 986.

448. The reserve guard shall assist in watching at night to the extent provided in separate rules on the subject. Whilst any of the reserve guard are on watch inside the jail, an equal number of warders of the general staff shall remain in the reserve guard house to complete the full strength of the reserve guard. They shall ordinarily be selected from those who will go on the next watch or those who have come off the previous watch, the most efficient being taken. Whilst the regular reserve head warder is on night watch, one of the other head warders, to be selected by the Superintendent, in rotation, shall be in charge of the reserve guard.

The reserve guard have to be always at full strength.

SECTION XII.—ALL JAIL OFFICERS

449. No jail officers shall in any circumstances punish any prisoner except under the Superintendent's order or threaten any prisoner with punishment, or use violent, abusive or insulting language to any prisoner. All conduct intended merely to irritate or annoy any prisoner shall be avoided.

No prisoner to be punished without Superintendent's order and improper language to be avoided.

450. All jail officers shall treat prisoners with good temper, humanity, and strict impartiality, and listen patiently and without irritability to any complaint or grievance, while at the same time maintaining strict discipline and enforcing the observance of all rules and regulations.

Prisoners to be treated with tact, humanity and strict impartiality.

451. No officer shall on any pretext strike a prisoner, except in self-defence, or in the repression of a disturbance (in which case no more than necessary force shall be used), or when a whipping is formally ordered by the Superintendent.

Prisoners not to be struck and use of force regulated.

See paras. 637, 688 and 689.

452. No jail officer shall, save as authorized by any provision of any rule herein contained in that behalf, at any time employ any prisoner on his own private work or for his own gain or profit; nor shall any such officer at any time employ any

Prisoners not to be employed on private work.

prisoner otherwise than for the profit and advantage of the Government, and in strict accordance with the provisions of the Prisons Act, 1894, and the rules made thereunder relating to the employment of prisoners.

Immediate report to be made of any misconduct or breach of law.

453. It shall be the duty of every officer of the jail, subordinate to or under the orders of the Superintendent, to make an immediate report to that officer of any misconduct, act of wilful disobedience or breach of the provisions of any law, rules or regulations for the time being in force on the part of any other officer or any prisoner which shall at any time come to his knowledge or be committed in his presence, sight or hearing.

No officer to enter any ward or cell alone from lock-up to sunrise.

454. No officer of a jail shall at any time enter any ward, cell or other compartment occupied by any prisoner from the hour such ward, cell or compartment has been locked up for the night, till sunrise the following morning unless he is accompanied by at least one other officer and then only in case of sickness or other emergency.

Duties of all officers to prevent escapes and report breaches of discipline.

455. All jail officers are bound—

- (1) to exert the utmost vigilance in the prevention of escapes; to this end the Jailer and his subordinates shall see that all ladders, ropes, bamboos, privy vessels, and other articles which may facilitate escape, are not left in any place from which they may be taken by a prisoner;
- (2) to prevent, to the best of their power, the introduction into the jail and the giving to any prisoner of any unauthorized tobacco, opium, ganja or other prohibited article;
- (3) to prevent and report any attempt at communication between prisoners and outsiders, except as permitted by rule,

and shall report the fact when any suspicious persons are observed loitering about the jail. Every person arrested under section 43 of the Act shall be at once sent to the nearest police station in the custody of a jail warder who shall take from the officer in charge of the police station an acknowledgment of delivery to him of the arrested person.

Jail officers to be acquainted with the rules relating to their duties.

456. Every officer shall make himself acquainted with the rules and orders regulating his duties. Every officer appointed to a special post in the jail shall be provided with a book detailing his duties. Every fresh order must be entered in the book at the time the order is given. On a change of officer the relieving officer shall take over the book and make himself acquainted with the orders contained in it. To enable him to do this, orders in English shall be written on one page and translations of them in Hindi on the other. The officer relieved shall point out to his successor all matters of special importance connected with the duties of his post and explain any directions of the Superintendent, Medical Officer or other superior officer affecting any particular prisoner or matter. Jailers and Assistant Jailers shall each carry with them a note-book in which they shall enter at the time any verbal order given to them by the Superintendent.

457. All wrangling or disputes between officers or servants of the jail are strictly forbidden, and any disagreement between subordinate officers as to any matter connected with their duties must be referred to the Jailer, or, if necessary, to the Superintendent. All complaints must be made in writing to the Superintendent of the Jail or the Jailer within twenty-four hours of the occurrence of the cause of complaint. Officers making frivolous or false complaints will be liable to punishment.

Disputes between jail officers strictly forbidden.

458. No officer shall take a loan of money from, or lay himself open to any pecuniary obligation to, any officer subordinate to him.

No officer to enter into pecuniary obligation with subordinates.

459. No combinations among officers and servants are allowed and proceedings tending to such will be punished.

Prohibition of combination of officers and servants.

SECTION XIII.—SUBORDINATE OFFICERS

460. Unless there is something inconsistent with anything contained in any rule relating to any officer or class of officers, or repugnant to the subject or context, the rules relating to subordinate officers generally hereinafter following, shall be deemed to apply also to the Jailer, the Medical Subordinate and all persons serving under the orders of the Medical Subordinate.

Application of the rules relating to subordinate officers.

461. (1) A candidate who is a permanent resident of the province will be given preference for appointment in the subordinate Executive Service

[C. P. and Berar Govt. Jail Dept. Memo. No. 1043-733-III, d. 23-12-38.]

Explanation.—A candidate shall be deemed to be a permanent resident of the province, if—

- (a) his father, or if the father is not alive his mother, has resided in the province for not less than 12 years immediately preceding the time of making an application for appointment;
- (b) his father is on deputation for service out of the province or has gone out of the province on business during the aforesaid period but has adopted the province as his permanent home; or
- (c) his father or mother had, if both are dead, adopted the province as his or her permanent home and but for death would have been in residence in the province for not less than 12 years immediately preceding the time of making the application for appointment; or
- (d) his father and mother are dead and he has adopted the province as his permanent home and has resided in the province for not less than 12 years immediately preceding the time of making the application for appointment

NOTE.—Subjects of what were called the Central Provinces States before the 1st April 1933, are not permanent residents of the province.

(2) A candidate for employment in the subordinate jail service must not be over 25 years of age.

See paras. 400 (3) and 405 (3).

Exception.—Applications from Backward Tribes and Harijan candidates for employment in Government service should be entertained up to an age-limit of 30 years. If a Backward tribe or Harijan candidate between the age of 25 and 30 is otherwise suitable for employment, his application should not be rejected solely on the ground that he is overage.

[C. P. & Berar Govt. Jail Dept. Memo. No. 198-44-III, d. 12-2-41.]

NOTE —A list of Backward Tribes in the Central Provinces and Berar is given in Appendix VII to this Manual.

Subordinate officers to be on probation for one year.

(3) Every subordinate officer, except in any case in which the Inspector-General or Superintendent may otherwise direct, shall be appointed on probation for one year, and his confirmation in his appointment shall be contingent on his proving efficient. See para 400

Subordinate officers to be made acquainted with the terms of sections 42 and 54 of the Prisons Act.

462. (1) All subordinate officers on entering the jail service, whether temporarily or permanently, shall read or have read to them sections 42 and 54 of the Prisons Act (IX of 1894), and shall acknowledge by signature or mark that this has been done. The acknowledgment shall be attached to each officer's service book.

(2) Every person appointed to be a warder in a jail shall enter into an agreement with the appointing authority not to resign his appointment within two years of the date of his appointment permanently.

Condition of employment of subordinate officer appointed to any jail.

463. (1) It shall be deemed to be a condition of the employment of every subordinate officer appointed to any jail, that he shall be liable, in the discretion of the Inspector-General, from time to time to serve in any other jail to which he may at any time be transferred or appointed, whether in the same or any other suitable capacity.

(2) When orders are issued for the transfer of officials, the movement must be made as early as possible. Joining time according to the provisions of the supplementary rules may ordinarily be taken by officials under orders of transfer, but it should be understood that in all cases of emergency and when so ordered by the Inspector-General, joining time is not to be taken.

(3) No subordinate officer shall, after he has been confirmed in his appointment, be, without the sanction of the Inspector-General, permitted to serve in any jail or place situate within the limits of the district in which his permanent home is situate.

(4) No person shall, without the previous sanction of the Inspector-General, at any time be employed as a subordinate officer in any jail in which any relation or connection of his is confined as a prisoner or employed as a subordinate officer.

464. (1) It shall be the duty of every candidate for employment as a subordinate officer, and of every subordinate officer, of every jail, to forthwith inform the Superintendent or the Jailer if, at any time, there is confined in the jail in which he is a candidate for employment, or in which he is for the time being employed, as the case may be, any prisoner—

(a) with whom he is in any way related or connected; or

(b) with whom he has or has had any pecuniary dealings or close acquaintanceship of any kind.

(2) If at any time a subordinate officer in a jail has any relationship of any kind with any other subordinate officer employed in the same jail, it shall be his duty forthwith to inform the Superintendent or the Jailer of the fact of the existence of such relationship.

465. All persons employed in a jail must be persons of respectable character; disreputable conduct, even outside the jail, will render an officer or servant liable to dismissal.

[C. P. Govt.
Jail Dept.
Memo. No.
118-71-V (a),
d. 11-2-35.]

466. All persons serving in the Jail Department are strictly prohibited from communicating directly or indirectly to Government servants belonging to other departments, or to non-official persons, or to the press, any document or information which may come into their possession in the performance of their public duties or has been prepared or collected by them in the course of their duties whether from official sources or otherwise. Any officer or servant found guilty of a breach of these orders is liable to be prosecuted under section 5 of the Indian Official Secrets Act, 1923 (Act XIX of 1923), and there shall be no hesitation about departmental enquiry or prosecution in this matter.

467. (1) No person who has at any time been dismissed from any office in the public service shall, without the special sanction of the Inspector-General given upon a full statement of the facts relating to such dismissal, be deemed to be qualified for appointment as, or be at any time appointed to be, an officer of any jail.

(2) No person who has at any time been convicted of any offence against the criminal law and punished with imprisonment or with whipping shall, without the sanction of the Inspector-General, be deemed to be qualified for appointment as, or be at any time appointed to be, an officer of any jail.

468. Before any person is, whether temporarily or permanently, appointed to be an officer in any jail, he shall be required to make a declaration that he has not at any time been dismissed from the public service or convicted of any offence and punishment with imprisonment or whipping:

Provided that if any such person has been so dismissed or convicted and punished, he may, instead of making a declaration as aforesaid, make a full disclosure of the circumstances attending such dismissal or conviction and punishment, for the information and orders of the proper authority.

Officers to inform Superintendent when any relative or acquaintance is admitted or confined in the jail.

Jail employees must be persons of respectable character.

No person dismissed from any service or convicted of any crime should be appointed without special sanction.

Declaration to be taken before entertaining an officer in jail service.

All subordinate officers to reside in jail quarters.

469. Every subordinate officer, for whom quarters are provided by Government, shall live in those quarters, and those for whom no quarters are provided shall live within such distance of the jail as may be fixed by the Superintendent, except in the case of Assistant Medical Officers holding dual appointments. Quarters on the jail premises shall be provided for Jailers and Assistant Jailers, Assistant Medical Officers (not holding dual appointments), compounders and the warders establishment; and for such other officers as the Inspector-General may deem necessary.

Sec section 16 (1).

Quarters to be open to inspection by Superintendent or Medical Officer.

470. The quarters occupied by subordinate officers shall, at all times, be open to the inspection of the Superintendent or other officers deputed by him, also to the Medical Officer. These inspections shall, however, invariably be carried out in the company of the subordinate occupying the quarters.

When quarters should be vacated.

471. All subordinate officers or servants dismissed or discharged shall be required, on leaving service, to quit their quarters in the jail at once, and shall not be allowed to enter the jail premises. An officer under suspension pending decision of a case against him may remain at his quarters, provided his behaviour is satisfactory and provided no substitute is appointed to act for him; but if suspended for a definite period as a punishment, he shall forthwith quit the jail premises. An officer under suspension shall not enter the jail or jail offices or hold any communication with prisoners.

Occupation of quarters while on leave.

472. An officer on leave may occupy jail quarters on payment of rent provided no substitute is appointed in his place, and with the permission of the Inspector-General of Prisons.

[C. P. & Berar Govt. Jail Dept. Memo, No. 2442-2217-III, d. 25-9-43.]

Absence from jail premises or from duty not permitted without sanction

473. No subordinate officer shall absent himself from the jail premises either by day or night; or from duty during the hour fixed for his attendance, without the permission of the Superintendent or (if subordinate to the Jailer) of the Jailer, except when summoned by a court of justice. Any subordinate officer disabled from the performance of duty by illness, or summoned by a court of justice, shall at once give notice to the Jailer, who shall enter the information in his report book and shall make such arrangements as may be necessary for the performance of the duty of the officer during his absence.

See sections 19 and 22

Uniform to be worn on duty and no combination allowed when off duty.

474. Subordinate officers shall pay strict attention to cleanliness of person and dress; and those for whom a uniform is ordered shall at all times wear it while on duty. When off duty on the jail premises or in any public place, they must either appear altogether in private clothes or in complete uniform; no combination of the two shall be allowed.

Lounging about jails not permitted.

475. Subordinate officers and servants shall not lounge about the jail. They shall confine themselves to their respective posts, except when ordered by a superior officer to go elsewhere, or when going upon duty.

See para.
483.

476. No subordinate officer or servant shall smoke, or drink, or sing, or talk loudly, while on duty, or without authority introduce liquor, tobacco or any drug into the jail.

No liquor or tobacco, singing or loud talking, allowed in jail.

477. No subordinate officer or servant shall be permitted to receive any visitors in the interior of the jail.

Admission of visitors not permissible in the interior of the jail.

478. No subordinate officer shall correspond with or hold any intercourse with the friends or relatives of any prisoner or have any unauthorized communication with any prisoner or with any person whatever as to matters concerning the jail; nor shall he correspond with or hold any intercourse with any discharged prisoner, or with the friends or relatives of such prisoner, or allow any such prisoner, or his friend or relative, to visit or remain in his quarters, except with the special permission of the Superintendent.

Officers not to have unauthorized communication with prisoners or their relatives, etc.

479. No subordinate officer shall converse unnecessarily with any prisoner or treat him with familiarity or discuss matters connected with the discipline or regulations of the jail with him or within his hearing.

Subordinate officers not to converse with prisoners.

See paras.
1001, 1087
and 1094.

480. No subordinate officer or servant entrusted with keys shall take them out of the jail, leave them lying about, or deliver them to any other person, except when on leaving the jail or going off duty, he delivers them to such officer as may be authorized to receive them, and he shall not leave his post or the jail without making them over as above directed. The keys of wards, cells, outer gates or godowns are not on any pretext whatever to be made over to any prisoner.

Responsibility in regard to jail keys.

481. Subordinate officers shall not use the jail lanterns for private purposes. An unlighted lantern, or two, if necessary shall be kept at the main gate for use if required in the office or for the night visit to the jail of the Jailer or Assistant Jailer, but these lamps shall not be removed to the private quarters of these officers. Subordinate officers are prohibited from using naked kerosene lamps or unprotected native *chirags* in kutchas or thatched dwelling houses belonging to the jail.

Jail lanterns not to be used for private purposes nor naked lights to be used in kutchas or buildings.

SECTION XIV.—PUNISHMENTS

482. Subordinate officers who commit any of the following offences shall ordinarily be punished by dismissal, or in serious cases, when there is sufficient evidence to obtain conviction, shall be prosecuted under section 54 (1) of Act IX of 1894 :—

Offences for which dismissal or prosecution should follow.

- (1) Appearing on duty in a state of intoxication from liquor or any drug.
- (2) Sleeping whilst on guard.
- (3) Striking a prisoner, except in self-defence, or to suppress an outbreak, or unlawfully punishing any prisoner.
- (4) Improperly entering or permitting any person to enter the female enclosure or having any improper communication with a female prisoner.

- (5) Committing or conniving at irregularities in the supply or distribution of food, clothes or other articles, to or amongst any prisoners.
- (6) Employing a prisoner for private purposes contrary to rule.
- (7) Insubordination or insolence to the Jailier or any officer superior to him.
- (8) Any jail official, warder, or convict-officer wilfully or negligently allowing a prisoner to communicate with a prisoner of another class, or to enter any enclosure set apart for another class, shall be liable to punishment, and a convict-overseer repeatedly offending against this rule must be degraded.

But where there are extenuating circumstances or when the previous good service and character of an offender render leniency expedient, some lighter punishment than dismissal may be awarded.

Prosecution
of jail
officers.

483. For the following offences, if committed by any jail officer, a prosecution shall be instituted against the offender, provided the evidence is such as to make a conviction probable; if the evidence is not sufficient for this, but is sufficient to produce reasonable belief of the guilt of the officer in the mind of the Superintendent, he shall hold a departmental enquiry:—

See paras.
476, 812 and
1002 (a).

- (1) Negligently or voluntarily permitting an escape.
- (2) Any offence under section 42 of Act IX of 1894, relating to the introduction of or supply to prisoners of forbidden articles, unauthorized communication with prisoners, and abetment of such offences.
- (3) Being concerned directly or indirectly with any contract for supplies for the jail or receiving any present from a supplier.
- (4) Any serious offence punishable under the Indian Penal Code or other criminal law.

But wilfully permitting escape of a prisoner and serious offences under the Penal Code or other criminal law must invariably be prosecuted, and the enquiry or prosecution should ordinarily be conducted by the police. Any subordinate officer who is sentenced to imprisonment by a criminal court shall be dismissed from the service, except when retention is authorized by the Inspector-General on account of long service, good character and the petty nature of the offence for which convicted. Order of dismissal shall not be passed till decision of appeal or expiration of period allowed for appeal if no appeal is made, but the convicted officer shall be held under suspension.

NOTE—A copy of the judgment in the case of every subordinate officer prosecuted shall be forwarded to the Inspector-General.

Official acquitted in a criminal court should not be punished departmentally.

484. When a jail official has been prosecuted in a criminal court and has, after trial, on the merits of the case, been declared innocent of the charge brought against him, the decision shall be accepted as final and the man shall not be punished departmentally when the offence for which he was tried constitutes the sole ground for punishment.

485. If, however, the official be acquitted on technical grounds, or if the facts established by the judicial investigation show that his conduct and character as an official has been such as to make it undesirable that his services should be retained by Government, the Inspector-General may, in the exercise of the authority invested in him and after making a full record of his reasons, take departmental cognizance of such conduct or character.

Departmental action may be taken if the investigation proves that his conduct and character unfits him for Government service.

See para. 249.

486. Every subordinate officer who shall at any time be found to have been guilty of any breach of any law, regulation, direction or order for the time being in force in regard to the duties, or any of the duties, which he is required to perform or the manner in which he is required to perform them, or any of them, shall be liable to be punished by any one or more of the following punishments:—

Punishment to subordinate officers for breach of any law, regulation, etc.

- (a) Censure.
- (b) In the case of any such officer who is subject to discipline in the nature of military discipline—extra drill, up to a maximum period of one hour a day for not more than seven consecutive days; confinement to barracks for a period not exceeding fifteen days.
- (c) Suspension.
- (d) Deprivation or stoppage of leave for any period.
- (e) Supersession for promotion or withholding of increments or promotion, including stoppage at an efficiency bar.
- (f) Reduction to a lower post or time-scale, or to a lower stage in a time-scale.
- (g) Removal from the Civil Service of the Crown, which does not disqualify from future employment.
- (h) Dismissal from the Civil Service of the Crown, which ordinarily disqualifies for future employment.
- (i) Recovery from pay of the whole or part of any pecuniary loss caused to Government by negligence or breach of orders.

Explanation.—The discharge—

- (a) of a person appointed on probation, during the period of probation;
- (b) of a person appointed otherwise than under contract to hold a temporary appointment, on the expiration of the period of the appointment,

does not amount to removal or dismissal within the meaning of this rule.

NOTE 1.—Departmental punishment is altogether distinct from punishments under the criminal law and may be inflicted apart from any action taken under the latter.

NOTE 2.—A descriptive roll of every warder punished with dismissal shall be circulated to all Circle Superintendents for information and record.

487. (1) Without prejudice to the provision of any law or any special orders for the time being in force and subject to the condition that no officer shall be removed or dismissed from service by an authority subordinate to that by which he or she was appointed, the Superintendent may impose for good and

Punishment to subordinate officers by Superintendents and Inspector-General.

sufficient reasons any one or more of the punishments specified in the preceding rule, upon members of subordinate services serving in his jail.

NOTES—(i) Superintendents of Jails are not subordinate to the Superintendents of headquarters jails referred to in paragraph 404 (2) of this Manual. See para. 249.

(ii) A departmental enquiry as laid down in paragraph 489 below shall be held before any order under clause (f), (g) or (h) of paragraph 486 above is passed.

(2) The Superintendent may also punish any subordinate officer appointed by the Provincial Government or by the Inspector-General of Prisons, with any one or more of the punishments specified in paragraph 486 above except those under clauses (g) and (h), provided that when any punishment other than that specified in clause (a) is inflicted a report of the fact shall be promptly made to the Inspector-General, and a departmental enquiry as laid down in paragraph 489 below is held before any order under clause (f) is passed. [C. P. Govt, Jail Deptt. Memo. No. C-871-306-V(a) d. 2-6-36.]

(3) If in the opinion of the Superintendent any subordinate officer appointed by the Provincial Government or by the Inspector-General merits punishments of removal or dismissal from service, the Superintendent shall hold departmental enquiry as laid down in paragraph 489 below and submit the proceedings of the enquiry along with his recommendations to the Inspector-General for orders.

(4) The Inspector-General may punish any subordinate officer appointed by him with any one or more of the punishments specified in paragraph 486 above after holding a departmental enquiry or ordering one to be held in all cases coming under clauses (f), (g) and (h) of that paragraph. He may also punish any subordinate officer appointed by the Provincial Government with any one or more of the punishments specified in paragraph 486 above except those under clauses (g) and (h). A departmental enquiry shall be held before an order under clause (f) is passed.

NOTE.—Claims by subordinate officers to allowances during any period for which they may have been under suspension shall be determined according to the rules on the subject in the Fundamental Rules.

Monthly
return of
punishments.

488. A monthly return of punishments inflicted under these rules shall be submitted not later than the 5th of every month by each Superintendent to the Inspector-General in the prescribed form.

SECTION XV.—DEPARTMENTAL ENQUIRIES

Departmental
enquiries.

489. (1) In every case in which it is probable that if the charge is established, the punishment of dismissal, reduction or dispensing of services will be inflicted and before any one of these punishments is inflicted or recommended in any case, the Superintendent shall—

- (a) reduce the charge or each of the charges to writing and read and explain them to the accused person, or cause the charge or charges to be so reduced to writing, read and explained in his presence and under his superintendence;

- (b) record the statements of the witnesses appearing in support of the charge, in writing, in the presence and hearing of the accused;
- (c) place the documentary evidence (if any) on record and permit the accused person to have such reasonable and proper access to it as may be necessary to enable him to prepare his defence;
- (d) permit the accused to cross-examine every witness produced in support of the charge;
- (e) hear the accused's defence and the evidence of any witnesses for the defence and record the accused's statement and the statements of his witnesses in writing;
- (f) if so desired by the accused, grant him time not exceeding three days, to prepare his defence;
- (g) record an order stating the facts in issue, the evidence produced on either side, his finding on each such fact and on each charge, and his order or recommendation thereupon.

(2) At any time after hearing the evidence in support of the charge, the Superintendent may, if he is of opinion that a *prima facie* case has been made out, suspend the accused from his office.

(3) In any case in which time is given to the accused person to prepare his defence, the Superintendent shall furnish the accused person with a written order to file a written statement of defence within the time (not exceeding three days) allowed to him.

(4) If the accused person is a subordinate officer appointed by a higher authority and the punishment recommended is removal or dismissal from service, the Superintendent shall, after complying with the provisions of clauses (a) to (g) inclusive of paragraph 489, submit the record for the orders of the Inspector-General and in any other case, he shall pass final orders either acquitting or punishing the accused.

490. For any further particulars relating to the punishment of Government servants please refer to Central Provinces and Berar Government Book Circular I-13.

SECTION XVI.—APPEALS, REVISIONS AND RIGHTS OF APPEAL OF JAIL OFFICIALS

491. (1) Every official shall be entitled to prefer an appeal ^{Right of} against any of the punishments enumerated in paragraph 489 ^{appeal.} except those in sub-heads (b) and (d) to the authority immediately superior to the officer who passed the order of punishment. If the appeal is from an official drawing pay of not less than Rs. 150 per mensem and the appeal relates to punishments other than the one referred to in sub-head (a) and is rejected by the appellate authority, he may prefer a second appeal to the Provincial Government.

(2) Where the original order has been passed by the Provincial Government, an appeal shall lie to the Governor and there shall be no second appeal.

492. Every appeal preferred shall contain all material statements and arguments relied on by the appellant, shall contain no disrespectful or improper language and shall be complete in itself. Every such appeal shall be submitted through the head of the office to which the appellant belongs or belonged and through the authority from whose order the appeal is preferred.

Right of appeal direct to Inspector-General.

493. If, in any case, the Superintendent shall refuse to submit an appeal to the Inspector-General, or shall omit to do so within a reasonable time, the appellant may submit his appeal direct to the Inspector-General.

NOTE.—The appeal should be forwarded within 10 days of its receipt by the Superintendent and the appellant informed of its despatch.

Copy of order appealed against to accompany appeals.

494. No appeal will be heard by the Inspector-General unless it is accompanied by a copy of the order appealed from, duly attested by the Superintendent, or by a sufficient explanation of the absence of such copy. Such copy shall be furnished to every officer affected within 48 hours after the order has been passed.

NOTE.—This rule also applies to an order requiring an officer to retire from service.

Limits of appeal.

495. The period allowed for presentation of an appeal under these rules shall be—

(i) two months in the case of an appeal to the Governor in his discretion;

(ii) two months in the case of an appeal to the Provincial Government; and

(iii) one month in the case of an appeal to officers subordinate to the Provincial Government,

from the date of the order appealed against, excluding the time required for obtaining a copy of that order.

[C. P. & Berar Govt. Jail Dept. Memo. No. 425-176-III, d. 20-9-40.]

Second appeal.

496. The Inspector-General after having passed an order on any appeal will not notice a second appeal on the same subject unless it contains some new or important matter.

Appeals through proper channel.

497. If any jail official makes any appeal which in the opinion of the Inspector-General is frivolous, vexatious or false, or if he submits his appeal direct and not through the proper official channel as laid down in paragraphs 252 and 492, he shall be deemed to have committed an act of insubordination within the meaning of clause (7) of paragraph 482.

498. All the proceedings of a Superintendent under paragraph 486 shall be subject to the control and revision of the Inspector-General, who, either on his own motion or on an appeal from any person who considers himself aggrieved, may call for the record of the case and pass orders as may appear to him to be necessary.

Proceedings of Superintendent to be subject to control and revision of Inspector-General.

499. Notwithstanding anything contained in rules 491 to 498, the Provincial Government shall have power to revise any order passed by the Inspector-General or any Superintendent.

Revisionary power of Provincial Government.

500. The Inspector-General of Prisons may withhold an appeal addressed to Government, if—

- (1) it is an appeal in a case in which under the rules no appeal lies; or
- (2) it does not comply with the provisions of rule 492; or
- (3) it is not preferred within the period prescribed in rule 495, and no reasonable cause is shown for the delay; or
- (4) it is a repetition of a previous appeal and is made to the same appellate authority by which such appeal has been decided, and no new facts or circumstances are adduced which afford grounds for a reconsideration of the case:

Provided that in every case in which an appeal is withheld the appellant shall be informed of the facts and the reasons for withholding:

Provided also that an appeal withheld only on account of failure to comply with the provisions of rule 492 may be re-submitted at any time within one month of the date on which the appellant has been informed of the withholding of the appeal, and if resubmitted in a form which complies with those provisions, shall not be withheld.

501. No appeal shall lie against the withholding of an appeal by a competent authority.

SECTION XVII.—MISCELLANEOUS MATTERS

502. Casual leave should be granted in accordance with the instructions in Book Circular, Part II-6. Leave, other than casual leave, to any Deputy Superintendent, Jailer, Deputy Jailer, Assistant Jailer, Matron, Assistant Superintendent, Teacher, Tentmaster, Carpenter or Mechanic shall be sanctioned by the Inspector-General only. In the case of all other officers, the grant of all leave shall rest with the Superintendent.

Casual leave.

503. No leave will be granted to any Deputy Superintendent, Jailer or Assistant Jailer except in the case of sickness or very great urgency from the 1st December to the 1st February, that is, at the time of the preparation of the annual jail statistics and report.

Leave to Deputy Superintendent, Jailer or Assistant Jailer during annual report.

Leave on medical certificate. It must also be fully understood by all officers that no leave, except leave on medical certificate, shall be granted to any subordinate officer until he has qualified himself in drill. See para. 578.

Leave to warders.

504. The leave granted to warders should be so arranged that not more than 7 per cent of their sanctioned strength shall be absent at any one time from all causes. For this purpose warders may be called upon to declare the date on which they wish to avail themselves of leave, at least three months before such date.

Medical certificates.

505. No candidate for employment as a subordinate officer of any jail shall be entertained unless and until the Medical Officer of a jail or a Civil Surgeon certifies that he possesses the necessary mental and physical qualifications to perform the duties likely to be required of him. See para. 320.

Service book for non-gazetted officer.

506. Every non-gazetted officer shall on appointment be furnished with a service book (at his own expense) in which all changes of appointment, offences, punishments, leave, transfers and changes of pay, shall be recorded under the initials of the Superintendent. This book shall be kept in the Jailer's custody in the office of the jail to which the officer is attached and it will be the record on which the grant of pension will depend. On the transfer of an officer, his service book, after all necessary entries have been made in it, shall be sent under registered cover without delay to the Superintendent of the Jail to which he is transferred. On the resignation or discharge without fault of an officer his service book may be given up to him, an entry to this effect being first made therein.

Every entry made in a service book should likewise simultaneously be made in the service register prescribed by paragraph 406 and before a service book is despatched to another jail, the two records should be compared, and any omissions or discrepancies in either should be corrected.

Increments.

507. Increments of the pay of Deputy Superintendents, Jailers, Assistant Jailers, Assistant Superintendent, Matrons, Teachers, Tentmasters, Mechanic and Carpenters will be sanctioned by the Inspector-General, and the application for sanction shall be submitted in Form I-9—Accounts prescribed in the Financial Rules. But increments will not be sanctioned unless the services of the official concerned have been satisfactory during the year. The stoppage of an increment will be considered a major punishment, and will be entered in the monthly report of punishments submitted by Superintendents to the Inspector-General under paragraph 488.

Publication of classified list of Deputy Superintendents, Jailers, etc.

508. A classified list of Deputy Superintendents, Jailers, Assistant Jailers and Matrons shall be published half-yearly for general information. It must be distinctly understood that promotions in the different grades and appointments will be made by merit and by seniority, and not by seniority alone.

SECTION XVIII.—ESTABLISHMENT FOR JAILS

509. The following is the establishment sanctioned for the jails in the Central Provinces and Berar :—

Sanctioned
establish-
ment for
Jails.

Upper Subordinate Staff.

Posts	No.	Scales of pay	
		Old scale	Revised scale
(1)	(2)	(3)	(4)
Deputy Superintendents of Factories	.. 2	300—20—400	250—20—350
Senior Jailers	.. 2	300—10—350	} 200—10—300
Selected Jailers	.. 3	250—10—300	
Ordinary (Deputy) Jailers	.. 15	120—10—250	100—10—200
Assistant Jailers	.. 56	(2) 100— $\frac{5}{2}$ —150 (54) 50— $\frac{5}{2}$ —100	} 50— $\frac{5}{2}$ —90
Matrons	.. 2	70—3—100	..

NOTES.—(1) All the above appointments belong to the Provincial List.

(2) The posts of Matrons shall be open to all classes, viz., Europeans, Anglo-Indians and Indians.

Lower Subordinate Staff.

Posts	No.	Scales of pay		
		Old scale (a) 1-4-32	Revised scale (b) 1-7-35	New scale (c) 1-3-39
(1)	(2)	(3)	(4)	(5)
Chief Head Warders	.. 4	42	..	40
Head Warders	.. 81	22—2—32	..	20—2—30
Warders	.. 503	*18—1—22	†16—1—22 ‡efficiency bar at Rs. 20.	†15—1—21 ‡efficiency bar at Rs. 19.
Female Warders	.. 7	18—1—22	..	17—1—21

*Increments on the 2nd, 8th, 14th, and 20th year of service.

†After 2, 4, 8, 12, 16 and 20 years of service.

‡Illiterate men will not rise beyond the Rs. 20 stage of the revised scale and Rs. 19 stage of the new scale shown in columns (4) and (5), respectively.

Distribution by Jails.

The above-mentioned staff is distributed as follows : -

Jubbulpore Nagpur

Deputy Superintendents of Factories 1 1

NOTE.—The Deputy Superintendent at Jubbulpore is granted a special pay of Rs. 150 a month for carrying on the duties of Textile Inspector for Jail Industries.

Posts	Distribution by Jails											
	Central Jails				District Jails and B. I.							
	Jubbulpore	Nagpur	Raipur	Amraoti	Akola	Betul	Bilaspur	Chhindwara	Hoshangabad	Narsinghpur B. I.	Saugor	Yeotmal
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
<i>Jailer staff.</i>												
Senior Jailers ..	1	1	..	..	..	..	..	..	..	..	..	..
Selected Jailers ..	..	..	1	1	1	1	1	1	1	1	1	1
Ordinary (Deputy) Jailers.	2	3	1	1	1	1	1	1	1	1	1	1
Assistant Jailers ..	12	11	5	5	5	1	1	..	1	3	1	1
<i>Warder Staff.</i>												
Chief Head Warders.	1	1	1	..	..	..	..	..	..	..	..	..
Head Warders ..	12	15	6	6	4	2	3	2	2	4	3	2
Warders ..	85	73	43	53	33	14	13	12	14	24	13	14
Matrons ..	1	1	..	..	..	..	..	..	..	..	..	..
Female Warders ..	1	2	1	2	1	..	..	..	..	..	..	..

Posts	Distribution by Jails									
	Subsidiary Jails									
	Balaghat	Bhandara	Buldana	Chanda	Damoh	Mandla	Khandwa	Seoni	Wardha	Narsinghpur
(1)	(14)	(15)	(16)	(17)	(18)	(19)	(20)	(21)	(22)	(23)
<i>Jailer staff.</i>										
Senior Jailers ..	..	..	..	..	..	..	..	..	..	..
Selected Jailers ..	..	..	..	..	..	..	..	..	..	..
Ordinary (Deputy) Jailers.	..	..	..	..	..	..	..	..	..	..
Assistant Jailers ..	1	1	1	1	1	1	1	1	1	1
<i>Warder staff.</i>										
Chief Head Warders.	..	..	..	..	..	..	..	..	..	..
Head Warders ..	2	2	2	2	2	2	2	2	2	2
Warders ..	9	12	12	9	9	9	11	9	9	7
Matrons ..	..	..	..	..	..	..	..	..	..	..
Female Warders ..	..	..	..	..	..	..	..	..	..	..

The scales of the warder establishment given above include the reserve warder guards for all Central and District Jails in the Province. The table following shows the strength of the reserve warder guards at each jail.

	Central Jails					District Jails and Borstal Institution							
Posts	Jubbulpore	Nagpur	Raipur	Amraoti	Akola	Narsinghpur B. I.	Hoshangabad	Saugor	Bilaspur	Yeotmal	Betul	Chhindwara	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	
Reserve Guards ..	12	12	8	8	8	5	5	5	5	5	5	5	

Scales of pay

Posts	No.	Old scale	Revised scale
(1)	(2)	(3)	(4)
<i>Other staff.</i>			
Assistant Superintendent at Narsinghpur Borstal Institution.	1	..	100—10—200
Teacher at Narsinghpur Borstal Institution ..	1	50— $\frac{1}{2}$ —100	50— $\frac{1}{2}$ —90
Do. Do. ..	1	40—2—60	40—1—50
Teachers at Jubbulpore (2), Nagpur (2), Raipur (1) and Akola (1).	6	40—2—60	40—1—50
Tentmaster at Jubbulpore ..	1	75—5—125	50—5—100
Assistant Tentmaster at Jubbulpore ..	1	50— $\frac{3}{4}$ —75	25— $\frac{1}{2}$ —50
Carpenter at Jubbulpore ..	1	50— $\frac{3}{4}$ —70	30—2—50
Do. Raipur ..	1	40—2—50	30—2—50
Do. Narsinghpur B. I. ..	1	40— $\frac{3}{4}$ —50—2—60	30—2—50
Compounders at Jubbulpore, Nagpur, Raipur, Amraoti, Akola Jails and B.I., Narsinghpur.	6	20— $\frac{1}{2}$ —30— $\frac{1}{2}$ —45	
Quinine compounder at Nagpur ..	1	30—2—50	..
Mechanic at Raipur ..	1	35— $\frac{3}{4}$ —50	20—2—40

Redistribution of establishment by Inspector-General.

510. The above establishment allotted to jails is liable to redistribution by the Inspector-General as circumstances may require, subject to the condition that the scale sanctioned is not exceeded in the aggregate. Particulars of any redistribution of establishment ordered under this rule should be communicated to the Accountant-General, Central Provinces and Berar, for purposes of audit.

See para. 442. [G. I. H. D., No. 120, d. 25-2-04, and No. 581, d. 25-11-04.]

SECTION XIX.—SECURITY AND SECURITY BONDS

Officers who are to furnish security and execute a penalty bond for due performance of duties.

511. With the exception of the whole warder staff, who are exempt, every Deputy Superintendent of Factories, Jailer, Assistant Jailer and Matrons on the permanent establishment and such other persons employed in a jail as may from time to time be ordered to do so by the Inspector-General, shall furnish security and execute a penalty bond in the form (Appendix I) appended to this Manual for the due performance of all duties required of them, and shall be strictly bound by the conditions and penalties set forth in the bond.

NOTE.—Military pensioners who are re-employed as Assistant Jailers are exempted from furnishing security.

Amount of security.

512. The amount of security to be furnished by each officer shall be one year's pay on the minimum pay of the grade to which he permanently belongs. Provided that in no case shall the amount of security deposit exceed Rs. 2,000.

NOTE.—The above proviso does not affect those who have already more than Rs. 2,000 in security deposit.

Savings bank deposits or Government securities to be accepted as security.

513. The only forms of security which shall be accepted from these officers shall be Government securities or Government Post Office Savings Bank deposits.

Amount of security to be deducted by instalments, if not paid in full.

514. Any officer required to furnish security may deposit Government securities for the full amount, or pay the amount in full on appointment, or may at any time make up the full amount by one or more special payments under order of the Inspector-General. If the amount of an officer's security deposit is not at once paid, it shall be recovered by monthly deductions from the officer's pay at the rate of 10 per cent on the minimum pay of the grade to which he permanently belongs.

Deductions made on account of Security. Accounts how to be maintained.

515. The deduction made under the above paragraph shall be recorded in a special column in the acquittance roll and the security register shall be maintained for the purposes of showing how far the required securities have been deposited. The Superintendent shall open in the nearest Government Post Office Savings Bank a separate account for each officer from whose pay such deduction has been made. The account shall be headed in each case "The Superintendent of the—Jail on account of security of (name of officer concerned)", and every officer's monthly deposit shall be punctually paid into the savings bank by the Jailer, immediately after it is realized. Deposit must not be made direct, but all such deposit must be entered in the cash book by the Jailer and sent to the Post Office for entry in the Post Office books.

516. The savings bank books for security deposits shall be kept by the Jailer in his cash chest, and shall be produced by him to the Superintendent as vouchers whenever there is an entry in his cash book of the deposit of security money.

Maintenance of savings bank book for security deposits.

517. Previous to the transfer of an official he shall sign an application to the local postmaster on the form prescribed by the Postal Department, requesting that his deposit account may be transferred to the Post Office of the district or subdivision to which he is sent. The Superintendent will forward this application with the pass book, a letter authorizing the transfer of account, and a security deposit form duly filled in by the officer requesting that the pass book may be transmitted direct to the Superintendent of the jail to which the officer is being transferred.

Savings bank book for security deposits to be transferred on transfer of an officer.

518. When a security deposit is held in the Post Office Savings Bank, the Jail Superintendent may, if the depositor so desires, invest the amount of the deposit or any portion of it, in Government securities through the Accountant-General, Posts and Telegraphs. If a depositor prefers to make the investment himself, he may do so, and when the security note has been duly endorsed and tendered, he will be entitled to a refund from the savings bank of an amount equal to the face value of his note.

Amount of security deposits to be invested in the purchase of Government securities.

519. When the full amount of security payable has been deposited in the savings bank, the Superintendent shall furnish the depositor with a certificate to that effect, stating the amount of deposit, and shall advise him to send the certificate to his heirs or representatives, so that, in case of the depositor's death, his heirs may put in a claim for the return of the security deposit.

Superintendent to furnish the depositor with a certificate of amount of security.

520. All Government security notes tendered as security deposits or purchased with security deposit money, shall be endorsed by the officer who tenders them to the Inspector-General of Prisons, and shall be sent by the Superintendent in a registered cover to the Inspector-General of Prisons for transmission to the Accountant-General, Posts and Telegraphs, for safe custody.

Disposal of promissory notes given as security.

521. In the event of the death of an officer, the Superintendent shall, after the lapse of six months from the date of death, if the officer's security is deposited in the savings bank, draw the security money from the bank and send it to the Deputy Commissioner of the district where the claimant lives for payment to the heir of the deceased. If the security deposit is in Government security notes, the Superintendent shall apply to the Inspector-General for the notes which shall be endorsed by the Inspector-General for payment to the Deputy Commissioner, and be sent to him. The Superintendent shall, at the same time, furnish the Deputy Commissioner with particulars as to the Government claims outstanding against the deceased for recovery, his name and native place, date of death, and nearest relatives, if known. All such claims shall then be recovered by the Deputy Commissioner, from the security deposit money

No security to be relinquished within six months of the date of death of an officer.

or the value of the security notes (which the Deputy Commissioner may realize, if any), as the case may be, and be sent to the Superintendent, and the balance shall be paid to the heir of the deceased officer. If no Government claim has to be recovered, the full security deposit, or the promissory notes duly endorsed, shall be made over by the Deputy Commissioner to the proper claimant. If there be no claimant, the Deputy Commissioner will take necessary action for the disposal of the money in accordance with the rules on the subject.

Interest on Government securities. 522. Interest on Government securities deposited as security is payable to the officers who own them. The amount of interest is calculated every half year by the postal authorities and noted in the pass book of the depositor.

NOTE.—The interest on Government securities at present held in the custody of the Deputy Controller of the Currency, Bombay, is paid direct to the depositor by a payment order from that officer.

Interest on security deposits. 523. Interest on security money deposited in the Government Post Office Savings Bank may either be credited towards any undeposited portion of the security, or be paid to the officer concerned.

Penalty bonds. 524. Penalty bonds shall be drawn up in the forms prescribed, and executed as soon after appointment as possible and shall be forwarded to the Inspector-General for safe custody. Appendix I

Security deposit of officers on sick leave. 525. The security deposit in the Government Post Office Savings Bank of any officer who is granted leave under a medical certificate without any leave allowance may be returned to him under the following conditions:—

- (1) If the leave is for six months, he may receive back half his security deposit.
- (2) If at the end of six months' leave under a medical certificate a Civil Surgeon certifies that the officer is still unfit for duty, and that further leave for six months is necessary, he may receive back the remainder of his security deposit.

Advances from the security deposit. 526. (1) In case of emergency the Inspector-General may sanction a temporary advance not exceeding half the amount in deposit on the date of the advance.

(2) The following are cited as examples of occasions on which the grant of advances may be considered:—

- (a) To pay expenses incurred in connection with the illness of an official or a member of his family.
- (b) To pay expenses in connection with marriages, funerals or ceremonies which by the religion of the official it is incumbent upon him to perform and in connection with which it is obligatory that expenditure should be incurred.

NOTE.—Advances though not confined rigidly to the objects laid down in clauses (a) and (b) above, shall be made with due regard to the principle expressed in clause (1) of this rule as illustrated by the foregoing examples. The order sanctioning the advance shall state the specific purpose for which the advance is granted. Where, however, this is of confidential nature, it may be communicated to the Accounts Officer personally and confidentially.

(3) The amount of the advance shall be a sum expressed in whole rupees and the monthly instalments shall also be in whole rupees, the advance applied for being raised or reduced, if necessary, to enable instalments to be thus fixed.

(4) Advances shall be recovered, at the discretion of the Inspector-General of Prisons in not more than twenty-four instalments. Recoveries shall be made monthly, commencing from the first payment of a full month's salary after the advance is granted. The instalments shall be recovered by compulsory deductions from pay, and shall be paid in addition to the usual subscription, if any.

(5) No second advance shall be given until the first advance has been paid in full.

527. Whenever a Superintendent is of opinion that an officer should forfeit his security or any part of it, he shall refer to the Inspector-General for orders. Forfeiture of security.

See paragraphs 483 and 486.

528. When an officer leaves the service on retirement, resignation or discharge, the Superintendent shall take the same action in respect of the officer's security as prescribed in paragraph 521 in the case of an officer's death except that any balance of security money realized from the Postal Savings Bank or on Government securities after settlement of all claims shall be paid to the officer concerned or if the security deposit is in Government securities from which no claim has to be realized they shall be delivered to him duly endorsed for payment to him, a receipt being taken from him in either case. But no security shall be relinquished within six months of the date the officer leaves Government service. Relinquishment of security.

SECTION XX.—UNIFORMS, ACCOUTREMENTS, ORDNANCE SUPPLIES AND MILITARY TRAINING

A—UNIFORMS AND ACCOUTREMENTS

529. The uniforms and accoutrements prescribed for the different ranks are as follows :—

(a) Jailers.

Jacket.—European and Indian Jailers—khaki drill, turned down collar, buttoning to the throat, 2 breast pockets, 2 skirt pockets, flaps of pockets fastened with buttons, one to each pocket, 5 buttons down the front of jacket, 2 shoulder straps, fastened with button at collar end, and badge "C. P. J." in silver or white metal at the shoulder end. Buttons to be silver or white metal—plain. White metal Crown to be worn towards front of each side of collar.

Trousers	<div style="display: flex; align-items: center;"> <div style="font-size: 2em; margin-right: 5px;">{</div> <div style="display: flex; flex-direction: column; gap: 5px;"> <div>European jailers</div> <div>Indian jailers</div> </div> </div>	..	<div style="display: flex; flex-direction: column; gap: 5px;"> <div>Plain khaki drill.</div> <div>Jodhpur breeches pattern, khaki drill.</div> </div>
Head dress	<div style="display: flex; align-items: center;"> <div style="font-size: 2em; margin-right: 5px;">{</div> <div style="display: flex; flex-direction: column; gap: 5px;"> <div>European jailers</div> <div>Indian jailers</div> </div> </div>	..	<div style="display: flex; flex-direction: column; gap: 5px;"> <div>Helmet-wolsely, covered khaki with khaki pugree.</div> <div>Khaki pugree, to be hand-bound with gold kullah, blue lap bordered with gold fringe.</div> </div>
Boots	..		Ankle brown leather.
Snoulder belt	..		Sam Browne—single shoulder strap brown leather

prescribed for jailers, assistant jailers and warders (Europeans and Indians).

(b) *Assistant Jailers, European and Indian.*

Same as above, except that in place of the Crown on the collar, a white metal star will be worn, and in the case of Indian Assistant Jailers, the kullah will be silver and the blue lap will be bordered with silver fringe.

Notes.—A clothing allowance of Rs. 60 shall be granted to every Assistant Jailer on confirmation for the purpose of providing himself with the first complete uniform; thereafter he shall provide himself with uniform at his own expense.

[C. P. Govt.,
Jail Dept.,
No. 515-458-
V-(a),
d. 31-10-27.]

(c) *Head Warders and Warders.*

Blouse.—Khaki drill.

Knickers/bockers.—Khaki drill, made loose.

Putties.—Blue.

Pugrees.—Khaki with blue laps and 2 khaki fringes for Warders and 2 orange fringes for Head Warders.

Boots.—Black country leather.

Distinctive Badges.

(1) Three silver chevrons on red cloth on right arm for—

(a) the three senior Head Warders in the Nagpur and Jubbulpore Central Jails,

(b) the two senior Head Warders in the Raipur and Amraoti District Jails, and

(c) the senior Head Warden in all other District and Subsidiary Jails.

(2) Two silver chevrons on red cloth on right arm for all other Head Warders with three years' service and above.

(3) One silver chevron on red cloth on right arm for all Head Warders below three years' service.

Accoutrements.

All Head and other Warders shall wear a brown leather waist belt, two inches wide, with frog and baton, closed with a brass plate inscribed thus—

CENTRAL PROVINCES JAILS

530. Uniform, including boots, is issued free by Government to Head Warders, Warders and female Warders on the following scale:—

Free supply of prescribed uniform to warders.

Annually.

One coat (khaki drill).

One pugree (with blue flap).

One fringe (khaki for Warders and orange for Head Warders).

One pair putties (blue).

One pair shorts.

One pair of boots (black country leather).

[C. P. Govt.,
Jail Dept.,
letter No.
344-244-V-
(a) d. 9-12-
25.]

Biennially.

One set of chevrons for each Head Warder.

Once in every six years.

One great-coat.

For Female Warders.

Annually.—Two saris.

Once in every six years.—One great-coat.

Indents for uniform will be submitted in the prescribed form on the 10th March of each year.

The uniform is individual, and will be taken on transfer by the men to whom issued. When Head Warders and Warders go on leave they will make over their uniform to Reserve Head Warder or other official authorized by the Superintendent, who will label the bundle or box with the absentee's name, and store it in the place appointed by the Superintendent, and in such a manner that the uniform shall not be damaged by white-ants or other insects or by damp.

Disposal of uniform of warders on transfer or on leave.

531. When a Head Warder or Warder dies, or is dismissed or discharged, his uniform will be taken over by the Reserve Head Warder or other authorized official and will be utilized as the Superintendent directs in providing uniform for the man who fills the vacancy.

Disposal of uniform when warders die, dismissed or discharged.

532. Uniform damaged by neglect, or prematurely worn out by improper use, shall be replaced at the expense of the Head Warder or Warder in question. The uniform of Head Warders and Warders shall be inspected weekly by the Jailer, and the result noted by him in his report book.

Replacement of damaged uniform.

533. At the annual issue of uniform to Head Warders and Warders, the better of the two suits and of the two turbans issued in the preceding year will be left in possession of the men for night wear. Any suit in the recipient's possession in excess of three will be mutilated as given below in the note to this paragraph, so as to be unserviceable as uniform, and will be offered to the man from whom it was taken for four annas. If he refuses to purchase, the clothing may be auctioned, and the sale-proceeds credited to Government, or the Superintendent may use it up in any way he thinks best. Any turban in the recipient's possession in excess of three may be sold at four annas each after having condemned marks put on them.

Annual issue of uniform and disposal of previous year's uniform.

When new pairs of boots are issued, the old ones shall be taken back and kept in jail. They shall be issued to extra and temporary guards, if serviceable; if unserviceable, their leather may be used for repairing boots or other leather articles or for making fly flaps or in any other way the Superintendent thinks best.

Disposal of old boots.

Indents for great-coats will be submitted to the Inspector-General of Prisons at the time of submitting the annual indents for Warders' uniform. A consolidated indent will be sent to the Superintendent, Central Jail, Jubbulpore, who will arrange for the coats to be sent direct to the different jails as indented. He will pay the amount of the bill and adjust the cost as per instructions laid down in Inspector-General's Circular letter No. 2261-XIII-1-5, dated the 28th June 1920.

[C. P. Govt.,
Jail Dept.,
Memo. No
39-27-V (a)
d. 25-1-37.]

When new great-coats are issued, the old ones will be taken back and kept in their respective jails for issue to temporary Warders.

Those who fail to take proper care and spoil their great-coats before the time will have to pay proportionately for the unexpired time.

NOTE.--The coat will be slit down from the front opening to the bottom and the sleeves cut short between shoulder and elbow. Pyjamas will be cut midway between thigh and knee.

Preservation
of suits of
uniform for
warders.

534. A sufficient number of suits of uniform will be kept in stock in each jail considered necessary, for use of extra Head Warders and Warders and by substitutes.

Belts to be
kept clean.

535. The belts shall be kept clean and well polished with "mom rogan", and the clasp shall be kept bright.

Armoury to
be near main
gate.
Arms to be
kept in
armoury.

536. A special room near the main gate shall be set apart for keeping the arms, etc., and ammunition; it shall be furnished with proper racks for the muskets and for hanging up the accoutrements. The bayonets and ammunition pouches shall be slung on the spare belts ready for immediate use. The key of the armoury shall be kept by the Reserve Head Warder and a duplicate key shall be kept by the Jailer in the treasure chest with a tin label affixed to it for immediate recognition in case of emergency. In Subsidiary Jails the key shall be kept by the Head Warder off duty and the duplicate key by the Jailer in the treasure chest. The jail armoury shall contain swords with scabbards for the Jailer, Assistant Jailers, and Head Warders, a breech-loading musket with stopper and snap-cap, bayonet, bayonet scabbard and frog, ammunition pouch, and a spare old belt for every warder.

See para.
442 (e) and
(f).

Muskets for
reserve
guard.

537. The muskets of the reserve guard shall be kept in a rack in the reserve guard-room with the bayonet and ammunition pouch on the belts ready for immediate use. Arms shall not be piled outside where prisoners could seize them. When they turn out for day duty or parade, the reserve guard shall invariably carry their bayonets and ammunition pouches.

B.—ORDNANCE SUPPLIES

538. The jails in the Central Provinces and Berar will be dependent on the arsenals detailed below for supply of stores :—

Stores to be obtained from Allahabad and Kirkee Arsenals.

Allahabad Arsenal.

- | | |
|----------------|---------------------------|
| 1. Jubbulpore. | 9. Hoshangabad. |
| 2. Nagpur. | 10. Mandla. |
| 3. Raipur. | 11. Narsinghpur B. I. |
| 4. Balaghat. | 12. Khandwa. |
| 5. Betul. | 13. Saugor. |
| 6. Bhandara. | 14. Seoni. |
| 7. Bilaspur. | 15. Wardha. |
| 8. Chhindwara. | 16. Narsinghpur Sub-Jail. |
| | 17. Damoh. |

Kirkee Arsenal.

- | | |
|-------------|-------------|
| 1. Amraoti. | 3. Buldana. |
| 2. Akola. | 4. Chanda. |
| | 5. Yeotmal. |

539. The Assistant Directors-General of Ordnance Stores, 8th Division, Allahabad, and 5th and 6th Divisions, Kirkee, are in charge of arsenals from which stores are to be obtained and requisitions (other than those for additional arms) should be submitted to them for compliance through the Inspector-General of Prisons, Central Provinces and Berar, for countersignature. *No demand should be made direct by Superintendents.*

540. Requisitions for additional firearms required (except to replace those on charge) must be obtained by the Inspector-General of Prisons, through the Director-General of Ordnance Stores, Simla, after first obtaining the sanction of the Government of India through the Provincial Government.

Requisitions for additional firearms.

C. P. Govt.
Jail Deptt.
Memo No.
376-428-V-
(a), d. 20-9-
34 and No.
370-416-V-
(a), d. 25-7-
36.]

541. The scale of arms, ammunition and accoutrements for use in the jails of the Central Provinces and Berar is as follows :—

Lee Enfield musket .410 bore	{	One each per man of the
Bayonet with scabbard ..		reserve Warder guards and
Sight protector ..		one each per man of 70
Jag ..		per cent of the remaining
		Warder staff including Head
		Warders.

Waist belts with frog and ammunition pouch.	{	One each per man of the
		Warder staff including Head
		Warders and reserve guard.

Swords with scabbards and belt.. Two for each jail.

Accoutrements may be obtained from private firms approved of by the Inspector-General of Prisons.

Swords will only be used by the Jailer and the senior or reserve Head Warder when in command of the guard on ceremonial occasions.

The following scale of ammunition is sanctioned :—

Practice Ammunition Annually.

Ball .410 bore	..	{ 60 rounds per reserve warder. 40 rounds per man of the remaining Warder staff including Head Warders.
Blank .410 bore	..	{ 40 rounds per musket of the Warder staff including reserve Warders.

542. Indents for ammunition are only complied with by the Ordnance Department on condition (1) that the demand is within authorized quantities, (2) that an equivalent number of fired cases of the same description is returned, and (3) that a certificate is enclosed on the indent that the total quantity demanded plus the quantity in hand does not exceed the maximum quantity prescribed in paragraph 541 above. A refund is afforded for all fired cases as also for empty ammunition boxes, bandoliers and charges returned to the arsenal.

C. P. Govt.
Police Dept.
Endt. No.
C-57-529.
VI, d. 13-5-
35/22-10-35.

The fired cases should be sent to the arsenal as early as possible, say one month before preparation of the indent, to enable the number and date of the receipt vouchers being entered in the certificate attached to the indent.

The life of all S. A. A. is 10 years at the most and therefore ammunition older than 8 years should not be held in stock. To ensure proper turnover the oldest stock in hand should be used up first.

Requisitions
for ammunition.

543. Requisitions should be submitted for full boxes of ammunition or, when this is not feasible, for rounds which are multiples of 10, as issues of incomplete multiples necessitate the opening of the packet of ammunition, which is inconvenient and causes the number of rounds remaining in the packet to become unserviceable. In all cases demands for small quantities of ammunition should be discouraged when possible and consistent with efficiency, and in no case should a requisition be put forward for less than 10 rounds, and each demand should be multiples of 10 rounds, in order to avoid breaking a complete packet.

Boxes of
arms and
ammunition
received
from arsenal
to be
weighed
and checked.

544. All boxes of small arms ammunition are weighed at the arsenal before issue and the gross weight is marked on each box. When receiving packages of ammunition, Superintendents of Jails will see that the weight marked on each box is carefully checked and any box weighing light by 1 lb. or over is to be set aside after careful examination and the circumstances reported to the issuing office immediately.

545. Ammunition should be kept perfectly dry and clean and not exposed to very high or low temperatures.

Ammunition to be kept dry and clean

A missfire generally arises from one of the following causes :
(a) defective cartridge, or (b) a defective rifle. In case of missfires the cartridge should be tried in another musket before being returned to the arsenal. The sanction of the Ordnance Officer should always be obtained before returning these to the arsenal.

546. Indents for ammunition should be prepared on prescribed Army Form No. Z-2098. The indent for blank ammunition should be submitted to the Inspector-General of Prisons on the 1st March in each year for countersignature and transmission to the arsenal on which dependent. The indent for ball ammunition should be submitted to the Inspector-General on or before the 20th December in each year. The Inspector-General will countersign the indent and return it to the Jail Superintendent for transmission to the Reserve Inspector of Police of the district who will include the requirements in the Police Indent and supply the quantity demanded on receipt from the arsenal.

Indents for ammunition to be prepared on prescribed form.

547. In preparing indents for ammunition, enter in—

Indents for ammunition how to be prepared.

- (a) *Column 2*—"Authorized proportion"—the total quantity of ammunition calculated as in paragraph 541.
- (b) *Column 3*—"Now on charge"—the actual number of loaded cartridges *plus* the fired cases and missfires on hand on the date the indent is prepared.
- (c) *Column 5*—"Now requisitioned for"—the actual number of loaded cartridges required which must be an equivalent to the number of metal empty cases, etc., returned to the arsenal and paper cases destroyed.

NOTE.—In all cases the number of empty metal cases and missfires returned to the arsenal, together with numbers of blank paper cases destroyed, must be equal to the quantities of the same description of ammunition asked for. On no account should metal cases be returned to the arsenal when they do not require replacement by loaded cartridges.

548. A note to the effect that the jail is prepared to receive the supply of ammunition should be recorded in the remarks column of the indent. The date on which the jail is prepared to receive such supply should also be noted.

Record in indent of receipt of supply of ammunition.

549. On every requisition it should be clearly stated the name of the railway station to which stores should be sent, and in case when the consignee is off the line of rail, the address should be given, care of.....party, who will take delivery.

Requisition to contain address to which stores are to be sent.

550. When submitting indents to the Inspector-General for countersignature, Superintendents will attach a certificate in the following form, accounting for the exact numbers of missfires and metal cases returned to the arsenal, quoting the number and date of the receipt voucher for verification by the arsenal. The number of blank paper cases destroyed should also be accounted

Submission of indents to Inspector-General.

for, care being taken that the numbers of metal cases for ball and metal cases of blank and paper cases burnt tally with the indented quantity :—

Certified that the undermentioned metal cartridge cases and missfires have been returned to the Kirkee/Allahabad Arsenal, and that all paper cases of blank cartridge were destroyed in my presence.

Empty fired metal cases
and missfires.

Nos.

(1) Ball	..	} Vide O. D. R. V. No. , dated
(2) Blank	..	
Paper (blank) destroyed..		

Separate
requisition
for ammuni-
tion as a first
issue.

551. When ammunition is required as a first issue it should be submitted on a separate requisition (India Army Form Z-2098) supported by authority. The requisition should be enfaced "First issue" and should not include any other items such as quantities already received.

Separate
requisition
for ammuni-
tion as a first
issue.

552. In the case of an increase of former allowance, the procedure should be followed as above, but the number "now authorized", the number "on charge", and the number "required to complete" should be shown. A copy of the authority for the increase should be attached.

Fresh requi-
sitions for
items once
disallowed.

553. When once items are disallowed from requisitions they should not be asked for again in connection with the same requisition, as once a requisition is passed the action taken on it is final. A fresh requisition is therefore necessary before the item once disallowed can be issued.

Separate
packet for
loaded car-
tridges.

554. Loaded cartridges should on no account be sent with empty fired cases but in a separate packet. Package contain- ing empties or missfires should be carefully sealed in the same manner as cases containing arms. (See paragraph 574.)

NOTE.—Empty cases of ammunition purchased from private firms will not be accepted by the Arsenal, neither should one kind of fired case be returned to Arsenal and another kind of ammunition be demanded.

Supply of
Oil Lubricat-
ing G. S. to
jails for use
in muskets.

555. The Jubbulpore and Amraoti Jails distribute the annual supply of Oil Lubricating G. S. to the jails dependent on the Allahabad and Kirkee Arsenals, respectively. All Jail Superintendents will intimate to the Inspector-General of Prisons on the 1st March every year their annual requirements of oil, noting at the same time the number of muskets in charge in their respective jails. Consolidated indents will then be prepared and sent by the Inspector-General to the Ordnance Officers concerned on the 15th March each year with instructions to supply the required quantity to the distributing jails. On receipt of the oil by the latter the Jail Superintendents concerned will supply the required quantity to the jails requiring it.

556. The following forms should be used in preparing requisitions :—

- Forms for preparing requisitions for arms, ammunition, etc.
- (a) Army Form No. Z-2093, for ammunition and Oil Lubricating G. S.
 - (b) Army Form No. Z-2096, receipt and delivery of articles.
 - (c) Army Form No. Z 2093, ammunition, arms or other stores lost or destroyed and arms returned for repair.

NOTE.—Forms will be supplied in October yearly from the Inspector-General's Office on requisition showing (1) numbers on hand, (2) expended, and (3) required for use.

557. Separate forms should be submitted for arms, ammunition, oil, etc., but all kinds of stores under one class or section must be on one requisition. Each item should be shown clearly and under its correct nomenclature as shown below :—

Forms for preparing requisitions for arms, ammunition, etc.

SECTION I-A

Frogs	.. Bayonets, G. S.	
Pouches	.. Ammunition	{ 40 rounds.
Singles	.. Rifle.	{ 20 "

SECTION 27

Cartridges S. A.	Ball B. L.	.410 bore M. H.
" "	Blank	" "

WEEDON SECTION A

Muskets B. L. .410 bore.

WEEDON SECTION "A" APPURTENANCES

Jags—M. H. Brass.
 Protectors—Front-sight, M. H. Rifle.
 Bayonet—M. H. Converted.
 Rods, cleaning—M. H. Rifle.
 Swords—W. and Non-Commissioned Officer's or Sergeant—Patent .97.
 Scabbards—Swords W. and Non-Commissioned Officer's or S. Sergeant—Patent .97.
 Scabbards—Bayonets M. H.

SECTION 9-A

Oil—Lubricating G. S. "Gallons" scale $1\frac{1}{2}$ gallons per 100 muskets.

M. E. ii, belts, waist.

*(a) and (c)—In quadruplicate for Kirkee Arsenal and in duplicate for Allahabad Arsenal.

(b)—Receipt vouchers, two copies, and delivery vouchers, one copy, direct to Arsenal.

Procedure
regarding
replacement
of arms, etc.

558. The following procedure should be followed in the case of replacement:—

- (a) All indents for replacement for arms, etc., should be so endorsed and the voucher number on which the receipt for the unserviceable parts were returned to arsenal was granted, should be quoted on the requisition.
- (b) All arms and components must be returned to the arsenal before others can be issued to replace them, *vide* paragraph 857, Army Regulations, India, Volume II.
- (c) All demands to replace losses of arms, ammunition and components should contain the following certificate of the Inspector-General of Prisons on each requisition before transmission:—

Certified that the loss of (state the number and description of articles lost) has been duly investigated and I accordingly sanction them being written off.

Rules
governing
repair and
maintenance
of arms.

559. The following rules govern the repair and maintenance of arms:—

- (i) The maintenance (*i.e.*, stripping, cleaning, overhauling and lubricating) of arms will be undertaken by the police at the headquarters of district.
- (ii) The repair of arms and the replacement of component parts will be undertaken by the police armourers at centres noted in column (1) below and the jails mentioned in column (3) shall send their arms for repairs to those centres. The Superintendents of Jails at the centres shall pay the amounts noted in column (2) to the armourers through the District Superintendents of Police concerned at the end of each year:—

Centre	Amount payable annually to armourer	Jails which should send arms to centres noted in column (1)
(1)	(2)	(3)
Jubbulpore	Rs. 15	Narsinghpur. Mandla. Seoni. Chhindwara.
Nagpur	15	Bhandara. Chanda. Wardha.
Amraoti	15	Akola Buldana. Yeotmal.
Raipur	12	Balaghat. Bilaspur.
Hoshangabad	9	Betul. Khandwa.
Saugor	9	Damoh.

- (iii) Component parts, if necessary, will be obtained from the arsenal before sending the musket to the armourer.

560. When arms become damaged the complaint made should contain the following information:—

Complaint of damaged arms.

- (a) Description of arms. (Nomenclature of priced vocabulary to be used.)
- (b) Place and date of manufacture of the ammunition complained of.
- (c) Number of rounds fired at the time the defects are discovered.
- (d) Number of defective rounds, stating clearly what the defects are.
- (e) Number of rounds of the same place and date of manufacture as that complained of remaining on charge.

NOTE.—The defective cartridges in their original wrappers in which the ammunition was packed should accompany the report.

561. Requisitions to complete the authorized proportion of arms, or to replace arms condemned as unserviceable or lost may be submitted as necessity arises.

Requisitions for arms to complete authorised proportion or to replace unserviceable or lost arms.

With regard to arms lost or becoming unserviceable, a committee of three members should usually be appointed to investigate the circumstances attending the loss or the cause of the arms becoming unserviceable. In the case of arms which have become unserviceable, the committee should, if possible, record the period the arms have been in use, and whether the arms appear to have become unserviceable through fair wear or tear or otherwise.

Investigation by committee of the lost or unserviceable arms.

NOTE.—Arms wilfully damaged, or arms, components thereof and ammunition negligently lost or destroyed, will be replaced at the cost of the defaulter.

562. In the case of arms, ammunition and components the committee should record their opinion as to whether the loss was unavoidable and should be borne by the State, or was due to neglect or carelessness on the part of any person or persons, who should be required to make good the loss. The name of the person or persons should be recorded. The committee to investigate such cases will consist of a Magistrate, the Superintendent of Jail and a District Superintendent of Police or other Police Officer not below the rank of Inspector. The committee's proceedings should be prepared in duplicate on Form No. 163, Schedule XII, and forwarded to the Inspector-General of Prisons for orders.

Committee's proceedings.

563. In view of the rules which govern the supply of ammunition it behoves all concerned to exercise the greatest care to prevent loss of ammunition and empty fired cases. The latter should be carefully collected and counted after each practice, and compared with the number of loaded rounds issued for the practice, the officer in charge of the firing party being held personally responsible for any deficiency in the number of fired cases.

Loss of ammunition and empty fired cases.

Loss of
ammunition
and empty
fired cases.

564. Should there be any rounds deficient owing to the loss of empty fired cases, the Superintendent of the Jail concerned will submit to the Inspector-General of Prisons a statement of the number of cases so lost, with a full explanation of the circumstances connected with those losses.

Loss of
ammunition
and empty
fired cases.

565. If the explanation is considered satisfactory, the Inspector-General will sanction the deficiency being written off. This sanction, which should be attached to the requisition (Army Form No. Z-2098) at the time of making the demand, will be the authority for the rounds deficient being demanded from the Ordnance Department in lieu of the return of an equivalent number of empty fired cases.

Seal of
packages
containing
empty
cartridge
cases.

566. Packages containing empty cartridge cases, old bullets, or old lead, etc., should be sealed in the same manner as cases containing arms (see paragraph 574) and marked with the name of the consignor, the nature, number and weight (exclusive of package) of the contents and with packing note invariably enclosed.

Return of
empty fired
cases to
arsenal.

567. When empty fired cases are returned to the Arsenal, Army Regulations, India, Volume II, paragraph 869, should be quoted as authority.

Consign-
ments
of stores to
arsenal.

568. All stores returned to the arsenal should be forwarded freight paid and by goods train described "Safety" or "Non-safety", as in the absence of such declaration consignments are charged by the railway at a much higher rate involving considerable extra expenses which should be avoided. Consignments specially sent more expeditiously other than by goods train must be supported by competent financial authority to cover the extra expenditure involved.

Stores not
to be
returned
to arsenal
without
delivery
receipt
vouchers and
necessary
authority.

569. No stores should be returned to the arsenal without the necessary delivery and receipt vouchers (Army Form No. Z-2096) and without the necessary authority.

Preparation
of vouchers
for stores
from
Ordnance
Department.

570. In returning articles to the arsenal separate receipt and delivery vouchers (Army Form No. Z-2096) should be prepared for each of the following description of stores which should be despatched at the same time to the Kirkee/Allahabad Arsenal:—

Small arms and components of small arms.

Ammunition.

Empty cartridges and fired bullets.

Preparation
of vouchers
for stores
from
Ordnance
Department.

571. Receipt vouchers should be forwarded in duplicate and delivery vouchers in original, the latter only being signed by the Superintendent of Jail; the former will be signed by the officer of the Ordnance Department who receives the stores. The vouchers should be sent by post and should not on any

account be enclosed in the boxes, as they are required to identify the packages which cannot be opened till the vouchers concerning them are received. Such remarks as total weight of consignments, mode of transit, date of despatch, etc., can be made on the delivery voucher, but covering memoranda are unnecessary.

NOTE.—When requisitions are made to the Arsenal direct by the Inspector-General of Prisons for arms, etc., for jails, the receipt vouchers sent by the Arsenal to Superintendents of Jails, for signature should be returned through the Inspector-General for his countersignature.

572. Separate vouchers or authority are not required, Separate when empty boxes are returned, provided they are utilised for vouchers for the packing of stores. The boxes may be entered in the same stores. vouchers as the stores under return.

573. All arms, whether serviceable, unserviceable or repairable, should be carefully examined before return to the Arsenal and any small screws or other components found deficient should be shown as such in the vouchers.

Arms to be carefully examined before return to arsenal.

574. When arms are returned to the Ordnance Department the cases should be sealed with four seals, two on each side of the cases one at the junction of the side and lid of the box and one at the junction of the side and bottom of the box and not on the top and bottom as formerly. The seals should be placed in counter sunk holes into which a small piece of tape should be let in and tacked down on either side of the seal, the seal being placed over the tape.

Seal on arms returned to Ordnance Department.

575. The old lead bullets from small arm ammunition fired at practices should be carefully recovered and returned to the Ordnance Department. The delivery and receipt vouchers should show the description of bullets returned and a certificate to the effect that the bullets consist solely of recoveries from the rifle range and that only authorized service ammunition has been fired on it should be given, without which credit will not be afforded (as "mixed lead") for any thing that is not clearly recognised by the Ordnance Department.

Return of old lead bullets to Ordnance Department.

NOTE.—The above does not apply to jails which use Military, Auxiliary Force or Police ranges, as lead gathered on those ranges is taken towards the upkeep of the butts.

576. Each musket shall be in the special charge of one of the Warders, who will be held responsible that its bayonet, accoutrements and ammunition are kept in good order. The Reserve Head Warder in Central and District Jails and the Senior Head Warder in Subsidiary Jails shall inspect the arms, uniform, accoutrements and ammunition daily, and the Superintendent and the Jailer shall each inspect them once a week. Any Warder whose musket, uniform or accoutrements are found to be dirty will be liable to punishment.

Musket to be in charge of Warder.

Inspection
of arms,
uniform,
accoutre-
ments and
ammunition.

577. The returns of jail population on the first of each month shall contain a footnote showing that the arms, accoutrements and ammunition have been duly inspected and have been found to be in good order.

C.—MILITARY TRAINING

Jailers,
assistant
jailers and
warders to
undergo
military
training in
squad drill
and use of
arms.

Drill and
musketry
practice.

578. All Jailers, Assistant Jailers and the whole Warder force shall undergo a thorough military training in squad drill and in the use of the arms provided for them. Warders shall also be put through an annual course of musketry practice at the police or other butts, so that they may be able to use their muskets with precision and confidence. Warders shall be drilled at the jail by the reserve Head Warder for half an hour once a day in the morning or evening. In Subsidiary Jails this duty devolves on the senior Head Warder. When Jailers and Assistant Jailers have acquired a knowledge of their drill and are found to be qualified to drill their Warders, they will be required to attend the Superintendent's drill parade only once a week. On these occasions the whole Warder staff not on duty, together with their Head Warders and superior officers, shall be inspected by, and drilled before, the Superintendent. Practice with blank cartridge shall ordinarily take place at these inspections at least once a month. The course of ball practice at the butts shall, as far as possible, be the same as that followed by the police. Warders who are thoroughly efficient in drill and have passed as marksmen will be exempted from drilling, except for a month annually in the cold season, when they shall go through a course of drill and musketry practice. It must be fully understood by all officers that no leave, except leave on medical certificate, shall be granted to any subordinate officer until he has qualified himself in drill.

Instructions
for saluting
superior
officers.

579. The following general instructions in regard to saluting superior officers shall be observed:—

Jailers, Assistant Jailers and Head Warders.

	When on parade with Warders, armed with sword	When not on parade with Warders	If drilling with Warders in the ranks
To Inspector-General, Superintendent, official and non-official visitors, superior officers of Government.	Shall salute with sword.	Shall stand at attention and salute with right hand as instructed in "Infantry Drill" section	Shall salute with Warders at word of command.

Assistant Jailers and Head Warders shall salute an officer superior to them in rank but subordinate to those above indicated with the right hand.

Warders.

	When on parade, armed	When passing armed with musket	When passing unarmed
To Inspector-General, Superintendent, official and non-official visitors, superior officers of Government.	Shall be halted and present arms at word of command.	Shall advance arms. If march- ing in squad shall do so at word of com- mand.	Shall salute with the right hand as instructed in "infantry Drill" section.
To Jailers and Assistant Jailers.	Shall advance arms at word of command.	Do.	Do.

The gate sentry shall present arms to the Jailer or any officer superior to the Jailer or to official or non-official visitors. A Head Warden or Warden sitting, shall, when any such officer approaches, rise, stand at attention and salute with the right hand; when addressing an officer he will halt two paces from him and salute as above; he will also salute when withdrawing.

580. Swords and fire-arms shall only be taken inside the jails when it is necessary to drill the Warders in the jail for want of a proper parade ground outside or at alarm parades, and in that case the armed officers and Warders shall march into the jail in a body. Any officer or Warden carrying his sword or musket inside the jail when on ordinary duty will be liable to punishment.

Swords and
fire arms
when to be
taken inside
the jail

CHAPTER X

DIET OF PRISONERS

Rules under section 59 (11) of the Prisons Act, IX of 1894, regarding the food, bedding and clothing of criminal prisoners and of civil prisoners maintained otherwise than at their own cost

SECTION 1.—DIET

581. Subject to the provisions of section 31 of the Prisons Act, 1894, and the rules made thereunder, no criminal or civil prisoner shall at any time receive, consume or possess, or be permitted to receive, consume or possess, any article of food or drink not provided for or supplied to him in the manner hereinafter in these rules provided in that behalf.

Prisoners not to possess, receive or consume any article not prescribed.

582. Every convict and every unconvicted criminal or civil prisoner who does not maintain himself shall when not lawfully subjected to punishment by penal diet or placed on special diet on medical grounds by proper authority, daily receive the scale of prison diet provided for prisoners of the class to which he belongs.

Daily issue of prison diet in three meals.

583. The Inspector-General, with the previous sanction of the Provincial Government, shall fix the scale of prison diet to be provided in respect of each class of prisoners and may, without such sanction, prescribe a special scale of prison diet in respect of the prisoners confined in any jail or in the jails situate within any specified local area.

Power to fix scales of prison diet.

The diet of individual prisoners or classes of prisoners in any jail may not be changed without the written orders of the Medical Officer of that jail.

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584. Notwithstanding anything contained in this Chapter, Superintendents may, during the continuance of the present war, alter with the previous approval of the medical officer of the jail concerned the dietary of the prisoners to such extent and in such manner as they think fit. Superintendents shall, as soon as practicable, report every alteration made by them under this rule to the Inspector-General.

585. The scales of prison diet from time to time prescribed shall contain provision in respect of each of the following classes:—

Scales of diet for prisoners of various classes.

- (i) Convicted criminal prisoners of class "A" and "B"—
 - (a) Labouring male convicts.
 - (b) Non-labouring male convicts; male prisoners undergoing simple imprisonment and female prisoners.
- (ii) Convicted criminal prisoners of class "C"—
 - (a) Labouring male convicts.
 - (b) Non-labouring male convicts, male prisoners undergoing simple imprisonment and female prisoners.
- (iii) Female prisoners and their infants when any nursing infant is permitted to reside in the jail with the mother.
- (iv) Civil prisoners.
- (v) Unconvicted criminal (undertrial) prisoners—
 - (a) Special class.
 - (b) Ordinary class.

	(vi) Prisoners in hospital— (a) "C" class. (b) "A" and "B" class. (vii) Prisoners travelling by rail or on transfer.
Exhibition of scales.	Copies of the scales of diet for the time being in force in any jail shall be exhibited in the manner provided in regard to the exhibition of copies of rules in section 61 of the Prisons Act, 1894.
Power reserved to Medical Officer to vary prison diet.	586. Nothing in the foregoing rules shall be deemed in any way to limit or restrict the power of the Medical Officer, in his discretion, at any time to prescribe any special dietary in respect of any prisoner or class of prisoners, provided that it shall not be lawful for the Medical Officer to vary, in any case, the scale of prison diet for the time being prescribed by way of punishment, otherwise than on medical grounds.
Diet for weakly prisoners and those losing weight or in poor condition. Condiments and anti-scorbutics.	587. Prisoners in failing health shall be given better, more nutritious and more digestible food than is provided in the ordinary diet scales and the Inspector-General shall modify the ordinary diet scales for that purpose. 588. (1) Every prisoner shall receive daily, in the food supplied to him, such quantity of salt and other condiments as may be necessary to render the food wholesome and reasonably palatable or for the benefit of the health of the prisoners, and the daily scale of such condiments to be allowed shall be specified in the scales of diet from time to time prescribed under these rules. (2) Between the 1st of April and the 1st of September every prisoner shall be supplied daily with such antiscorbutics, in such quantity, as the Inspector-General may from time to time, by general or special order in that behalf, prescribe; provided that nothing herein contained shall be deemed to limit the power of the Medical Officer at any time to direct the supply to any prisoner or class of prisoners of such antiscorbutics as may, in his opinion, be necessary.
Hospital diets.	589. The diet of prisoners in hospital shall be entirely under the Medical Officer's control, and he may order in each individual case such diet as he considers necessary and may fix the hours at which the food shall be distributed. In large jails there shall be a separate cook-shed in the hospital for the preparation of food for the sick, and a special convict cook or cooks shall be appointed.
Duty of Inspector-General to ensure adequate supplies. Supervision of food-stuffs and water-supply.	590. It shall be the duty of the Inspector-General from time to time to take all such measures as may be necessary to ensure that every prisoner is at all times so supplied with food and drink as to maintain him in good physical health and vigour. 591. It shall be the duty of the Superintendent, the Medical Officer and the Jailer at all times to satisfy themselves, respectively, that:— (a) pure and wholesome water is provided for consumption by the prisoners, and that a supply of such

- water is at all times freely available to every prisoner for drinking purposes;
- (b) every article at any time issued, or intended to be issued, for the food of any prisoner, is of the prescribed quantity and quality, and is good, wholesome and fit for human consumption;
 - (c) every article of food supplied to any prisoner in a cooked state, or which requires to be cooked before being so supplied, is properly and cleanly cooked in such manner as to be wholesome and reasonably palatable;
 - (d) every article of food, whether cooked or uncooked, is subjected to proper examination and inspection before it is issued for consumption by any prisoner
 - (e) all foodstuffs at any time obtained and stored in the jail are frequently inspected, and that all articles which are unwholesome or in any respect unfit for human consumption, are forthwith rejected and are not issued for the use of prisoners; and
 - (f) proper places for the convenient and orderly distribution and suitable utensils and other appliances for the consumption of food, are duly provided.

1. DIET OF "C" CLASS PRISONERS

592. All "C" class convicted prisoners shall have three meals a day—early morning, at mid-day, and in the evening.

Number and time of meals.

Diet Scales.

593. The early morning meal for "C" class prisoners shall be as follows:—

Food to be issued at early morning meal.

For labouring male convicts.			For non-labouring male convicts, male prisoners undergoing simple imprisonment and female prisoners of all classes.		
<i>In addition to the diet scale.</i>			<i>Included in the diet scale.</i>		
		Chhataks			Chhataks
Rice	or	.. 2	Rice	.. 1½	boiled
Wheat or juari flour		.. 1½	Flour	.. 1	chapati
Molasses	or	.. ½			with sufficient salt.
Salt		.. 1/8			

As an alternative to the above the Superintendent may, at his option, issue two chhataks of gram, or mukhai (Indian corn) either parched or boiled, or parched juari, to all classes of prisoners, *in lieu* of the morning *chapati*, or rice ration. The weight prescribed has reference to the quantity issued before the grain is cooked.

If necessary, one chhatak or less of *dal* may be added to the rice, and cooked separately and seasoned with salt—the quantity of *dal* being deducted from the daily allowance.

When there is a tendency to scurvy or loss of weight among the prisoners, molasses or fresh *gur* is preferable to salt.

The morning meal may be supplemented by the issue of sweet potatoes (*Batatus edulis*) or other vegetable as an extra and in addition to the scale.

NOTE.—The early morning meal shall be prepared the same morning and served fresh.

Food to be issued for mid-day and evening meals.

594. The following scales are sanctioned for the mid-day and evening meals :—

For labouring male convicts, and male prisoners travelling by road.

For non-labouring male convicts, male prisoners undergoing simple imprisonment, male undertrial prisoners and female prisoners of all classes.

(a) Rice diet.

	Chhataks
Rice	.. 11
Vegetables	.. 4
Oil	.. $\frac{1}{4}$
Salt	.. $\frac{1}{8}$
Condiments	.. $\frac{1}{8}$

(a) Rice diet.

	Chhataks
Rice	.. 9
Vegetables	.. 4
Oil	.. $\frac{1}{4}$
Salt	.. $\frac{1}{8}$
Condiments	.. $\frac{1}{8}$

Antiscorbutics—According to scale.

(b) Flour diet.

	Chhataks
Flour, wheat	.. 10
or flour, juari	.. 11
or * { flour, wheat or juari	.. 5
and rice	.. 6
Vegetables	.. 4
Oil	.. $\frac{1}{4}$
Salt	.. $\frac{1}{8}$
Condiments	.. $\frac{1}{8}$

(b) Flour diet.

	Chhataks
Flour, wheat	.. 8
or flour, juari	.. 9
or * { flour, wheat	.. 4
and rice	.. 5
Vegetables	.. 4
Oil	.. $\frac{1}{4}$
Salt	.. $\frac{1}{8}$
Condiments	.. $\frac{1}{8}$

Antiscorbutics—According to scale.

NOTE.—An extra quantity of salt at $\frac{1}{16}$ ch. per prisoner shall be issued and passed round on meal parades to enable prisoners to help themselves if they desire to.

The following scale of *dal*† ration is sanctioned for prisoners in the Central Provinces and Berar jails :—

3 chhataks .. For male labouring convicts.

2 chhataks .. For non-labouring and female prisoners.

The authorised allowance of firewood is 8 chhataks per prisoner when the population is above 100 prisoners, 10 chhataks per prisoner when the population is 100 and below but above 50, and 12 chhataks per prisoner when the population is 50 and below.

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423-464-III,
d. 26-7-46.

* In the mixed diet, the flour should be given at the morning and rice at the evening meal.

† Fish may be issued instead of *dal*, if procurable at the same rate.

The Medical Officer may reduce the quantity of wheat or juari flour, or rice ration, by one chhatak during the summer months.

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V-(a),
d. 24-5-27.

NOTE.—When prisoners sentenced to rigorous imprisonment refuse to work, their diet shall be such as is issued to non-labouring convicts except when the Medical Officer considers that such a reduced diet is still too full, in which case he shall order such a diet and in such quantity as he considers adequate for the maintenance of nutrition.

595. Of the scales for labouring convicts, etc., half the total quantity, and of the scale for non-labouring convicts, etc., half the quantity remaining after furnishing the early morning meal will be given at the mid-day and evening meals, respectively.

Proportionate diet scale for labouring and non-labouring convicts.

596. Convict warders will receive rations according to the scale laid down for labouring convicts and will be allowed to take their meals separately from, but in front of, and facing the other prisoners during the feeding parades, and shall sleep in a place allotted to them within the jail walls. Convict warders who are sick or in failing health will be allowed such extras and hospital diet as the Medical Officer may consider necessary.

Diet for convict warders.

597. Juar is recognized as the staple diet grain for non-rice eating prisoners. But wheat can be substituted for juar when considered necessary for individual prisoners by the Medical Officer or for all the prisoners of a jail when there is general deterioration of health and a more nutritious diet is considered advisable.

Substitution of wheat for juar in certain cases.

598. Mothers, with children confined along with them, shall have a diet allowance as follows:—

Diet for mothers with children confined along with them.

- (a) For nursing mothers—two chhataks of rice or wheat flour and half a chhatak of mustard oil in excess of the ordinary ration;
- (b) for children under 12 months—when the milk of the nursing mother is scanty, it may be supplemented with cow's milk, mixed with one-third of water, at the discretion of the Medical Officer of the jail;
- (c) for children between 12 and 18 months—six chhataks of milk, two chhataks of rice or flour and half a chhatak of dal;
- (d) for children between 18 and 24 months—four chhataks of milk, four chhataks of rice or flour, and half a chhatak of dal. The above may be supplied in two or three meals, as may seem necessary;
- (e) for children above 24 months, according to the discretion of the Medical Officer.

2. DIET SCALE FOR WEAKLY PRISONERS AND THOSE LOSING WEIGHT OR IN POOR CONDITION

599. The principle on which the following diet scale is based is that prisoners in failing health should be given better, more nutritious, and more digestible food than is provided in the ordinary diet scales. The variation need not necessarily

Diet for weakly prisoners and those losing weight or in poor condition.

be great, but should be adjusted to the requirements of the prisoner's health. Prisoners on any particular form of diet should feed together, and on Sundays parade together, for the Medical Officer's inspection:—

Early morning and late evening meals, at each meal	Mid-day and evening meals	Total
	Chhataks.	
1. Clean rice, 2, chhataks, boiled, with pure milk 3 chhataks, sweetened with coarse sugar $\frac{1}{2}$ chhatak.	1. Wheat flour .. $8\frac{1}{2}$ or 2. {Wheat flour .. 5 Clean rice .. 4	Wheat flour, 5 chhataks or $8\frac{1}{2}$ chhataks.
or	3. Dal .. 3	Rice, 4 chhataks or 8 chhataks.
2. Clean rice, boiled, 2 chhataks, salt $\frac{1}{16}$ chhatak.	Dal or .. 2 with Meat or fish .. 2 or Dahi or milk .. 4 Vegetables .. 3 Oil .. $7\frac{1}{16}$ Salt .. $6\frac{1}{16}$	Dal, 3 chhataks or less according to the amount of meat, fish or dahi issued. Vegetables, 3 chhataks Oil, $\frac{1}{16}$ chhatak. Salt, $\frac{9}{16}$ or $\frac{1}{16}$ chhatak if $\frac{1}{16}$ chhatak is given at their early morning and late evening meals.
	{Tamarind.. } pulp— $\frac{1}{16}$. CONDIMENTS {Turmeric— $\frac{1}{16}$.. } Chillies— $\frac{1}{16}$.. } Onions and garlic— $\frac{1}{128}$. {Coriander $\frac{1}{128}$ }	Milk, 6 chhataks or more if issued in lieu of a portion of dal. Condiments, $\frac{1}{8}$ chhatak. Sugar, $\frac{1}{2}$ chhatak if given instead of salt at the early morning and late evening meals.

Further instructions with regard to diet of weakly prisoners.

600. The prisoners in these gangs should sleep in the same special ward or wards. The late evening meal should be distributed after the evening meal, and each prisoner will take it with him into the ward. Meat, fish or dahi shall be given three times a week in lieu of the portion of the dal.

Antiscorbutics and period of issue.

601. From 1st April to 1st September, one or other of the following antiscorbutics shall be issued daily with the mid-day and evening meals to all prisoners, in the quantity per prisoner mentioned opposite each kind:—

	Per prisoner
	Chhatak
Lime juice	.. $\frac{1}{2}$
Amchur	.. $\frac{1}{16}$
Tamarind pulp, free of husk, fibre and seed	.. $\frac{1}{2}$
Putwa or roselle	.. $\frac{1}{16}$

Unless the Medical Officer considers it necessary antiscorbutics need not be given from the 1st September to 1st April, when fresh vegetables are usually plentiful.

NOTE 1.—*Amchur* should be given instead of tamarind if it is cheaper.

NOTE 2.—It is an improvement to issue antiscorbutics in the form of *chutney* soaking the substance beforehand in an earthen vessel, or glazed acid jar.

602. This shall be in addition to the allowance of condiments, which shall consist of the following articles in the proportions stated :—

Per prisoner	
	Chhatak
Tamarind pulp or <i>amchur</i> free of husk, fibre and seed in addition to the amount to be given as an antiscorbutic).	$\frac{1}{16}$
Turmeric	$\frac{1}{64}$
Chillies	$\frac{1}{64}$
Onions or garlic, or both	$\frac{3}{128}$
Coriander	$\frac{1}{128}$
Total	$\frac{1}{8}$

603. In damp districts, where the consumption of chillies amongst the free population is large, a larger proportion of this item may be allowed and given with the early morning or other meals. The allowance of chillies and also fresh vegetables may be increased on the order of the Medical Officer to any reasonable extent that can be supplied from the jail gardens. The allowance of salt may be temporarily increased by order of the Medical Officer, likewise the allowance of oil when there is unusual sickness and tendency to loss of weight amongst the prisoners, especially in the colder weather. The antiscorbutics should be varied from day to day, but *roselle* should not be issued more than twice in any week. They should be mixed with the food, and not put separately on prisoners' plates, so as to ensure that they shall be consumed.

Variation of condiments, etc in certain cases.

See para. 312. 604. It is of great importance that the dietary shall be varied as much as possible. In the "C" class diet scales the quantity and description of food are the same daily, but such variation as the occasional issue of animal food and a difference in the kind of pulses, vegetables, and antiscorbutics will permit, shall be made. Whenever the Medical Officer considers it desirable, one or two chhataks of meat or fish, or a nutritive equivalent of *dahi*, shall be given from two to four times a week, instead of half or one chhatak of *dal*. The *dahi* should be prepared or obtained the day before it is required for issue. The solid curd should be obtained by straining the *dahi* through a muslin bag, and should be issued in full weight according to the allowance ordered. The whey should be added to the curd after its distribution at the feeding platform, and be issued as an extra on account of its wholesome properties. Under the following circumstances, however, no option will be allowed in regard to issuing animal food, of which two chhataks or such quantity as

Food to be varied.

is of fully equivalent nutritive value must be substituted for one chhatak of *dal* four times a week :—

- (a) If the fortnightly weighments indicate that an unusual proportion of the healthy prisoners have lost weight.
- (b) If there is any general tendency to scurvy with ulceration of the gums.
- (c) If the number of admissions into hospital from dysentery is on the increase and the disease is of a severe or scorbutic type.

Food of prisoners travelling by rail or on transfer.

605. (1) Prisoners travelling by rail should be allowed cooked food as follows :—

	Chhataks		Chhataks
Flour (made into chapatis) ..	10	Parched rice* ..	14
<i>Gur</i> ..	1	(2 for the morning included.)	
Parched gram or rice, for morning meal. ..	2	<i>Gur</i> ..	1
Salt ..	$\frac{1}{2}$	Salt ..	$\frac{1}{2}$

**Chura*, the least digestible form of parched rice, should not be given.

See para. 1040.

(2) Prisoners on transfer or about to be sent to Court shall receive a meal of cooked rations before starting.

(3) If the journey exceeds 12 hours, but is less than 18 hours, each prisoner may receive 8 chhataks of parched gram and two chhataks of *gur* to eat in transit as an alternative to the diet prescribed in clause (1).

(4) Should the journey exceed 18 hours, the warder in charge, or the officer in command of the Police escort, as the case may be, shall receive subsistence allowance for each prisoner at the rate of four annas for "C" class prisoners and annas twelve for "A" and "B" class prisoners *per diem* for the purchase of food. All advances for subsistence allowance or for contingent requirements shall be accounted for by the officer to whom the money is entrusted. In the case of a long journey arrangements may be made beforehand with any jail in these provinces, which is conveniently situated *en route*, for the supply of cooked rations.

3. DIET OF CIVIL PRISONERS

Diet of civil prisoners.

606. Civil prisoners who are supplied with prison diet shall, unless the scale of subsistence allowance (if any) permits of a more liberal scale, be provided with diet on the non-labouring scale. See para. 1068 (2).

4. DIET FOR UNDER-TRIAL PRISONERS

Diet for under-trial prisoners

607. All ordinary under-trial prisoners shall receive the diet of "C" class non-labouring convicts during such time as they remain under-trial. No ordinary under-trial prisoner shall receive the extra early morning meal sanctioned in paragraph 586 for labouring convicts, but an early morning meal may be given

by deducting the required food from the regular scale laid down in paragraph 593. They shall have their food cooked in the regular cook-house by convicts of equal or superior castes to themselves, or with the sanction of the Superintendent they may be allowed to cook for themselves. The Medical Officer at his discretion may order any special diet that is necessary for individual cases.

608. All special class under-trial prisoners shall receive Diet for the diet of "B" class non-labouring convicts during such time as they remain under-trial.

labouring
"A" and
"B" class
prisoners.

5. DIET FOR "A" AND "B" CLASS PRISONERS

609. For labouring male convicts—

(1) Early morning meal—

	Chts.	
Tea ..	$\frac{1}{8}$	} or milk 4 chts.
Milk ..	2	
Sugar ..	$\frac{1}{4}$	
Wheat flour ..	$1\frac{1}{2}$	} or bread loaf 2 chts., butter $\frac{1}{4}$ cht.
Ghee ..	$\frac{1}{4}$	
		or gruel 8 chts.

(2) Midday and evening meals—

	Chts.	
Flour, wheat ..	$8\frac{1}{2}$	
or		
Clean rice ..	10	
or		
Flour, wheat ..	5	and clean rice 4 chts.
or		
Wheat flour ..	7	} and meat 8 chts. with bones.
or		
Loaf bread ..	10	
or		
Rice ..	7	
Root vegetables ..	4	
Other vegetables ..	4	
Dal ..	3	or 1 cht. to those given meat.
Ghee or butter ..	$\frac{1}{2}$	
Sweet oil ..	$\frac{1}{2}$	
Salt ..	$\frac{7}{16}$	
Sugar or gur ..	$\frac{1}{4}$	
Milk ..	2	

Condiments (total $\frac{1}{2}$ cht.)—

	Chts.
Tamarind or dry mango pulp ..	$\frac{3}{16}$
Turmeric ..	$\frac{1}{8}$
Chillies ..	$\frac{1}{8}$
Onion and garlic ..	$\frac{1}{8}$
Coriander ..	$\frac{1}{8}$
Firewood or coal for the day ..	12

Diet for non-labouring and female "A" and "B" class prisoners and for special class under-trial prisoners.

610. The non-labouring males and all females of the "A" and "B" class and the special class under-trials shall be given the diet mentioned in paragraph 609, except that the quantities of wheat flour, loaf bread, rice, meat, ghee, butter, *gur* and sugar, shall be two-thirds of the quantities there authorized.

6. DIET FOR "A" AND "B" CLASS PRISONERS SENTENCED TO SIMPLE IMPRISONMENT

Diet for "A" and "B" class prisoners sentenced to simple imprisonment.

611. Diet for these prisoners shall be the same as that specified for non-labouring prisoners in paragraph 610.

7. HOSPITAL DIETS

Diet of prisoners in hospital.

612. The diet of prisoners in hospital is entirely under the Medical Officer's control, and he may order in each individual case such diet as he considers necessary, and may fix the hours at which the food shall be distributed; but, as a rule, all sick prisoners in hospital should receive four meals a day, and oftener if necessary. In large jails there shall be a separate cook-shed in the hospital for the preparation of food for the sick, and a special convict-cook, or cooks, shall be appointed. Utensils of suitable size and capacity shall be provided specially for the hospital, and arrangements should be made for the frequent feeding of the sick, and for having sago and other invalid food constantly ready.

Training of hospital attendants. Scales of hospital diets.

613. Two or more long-termed prisoners of good caste should be trained and employed as hospital attendants.

614. The following are the scales of hospital diets. These—with the exception of full diet—may be supplemented by such extras as may be required in individual cases. A full supply of good milk should always be available for hospital purposes, and only the best kind of grain should be used in hospital.

Arrangements should be made for the feeding of patients, both by day and night, as may be found necessary. The nature, quantity, and frequency of issue of extra food should be recorded on the medical history-sheets, as well as the quantities in the diet register.

8. DIET FOR "C" CLASS PRISONERS IN HOSPITAL

Early Morning and Late Evening Meals.

Hospital diet for early morning, midday and evening meals.

(i) The following articles properly boiled shall be issued as an early morning and a late evening meal to all except those on milk diet and low diet:—

Suji	.. 1 chhatak.
Milk	.. 2 chhataks.
Sagar	.. $\frac{1}{4}$ chhatak.

Midday and Evening Meals.

Milk diet	Low diet	Meat or fish diet	Half diet	Full diet
Chs.	Chs.	Chs.	Chs.	Chs.
Milk 24	Milk .. 20	Wheat flour .. 8	Wheat flour .. 8	Wheat flour .. 10
	<i>Suji</i> , rice flour or sago 3 or arrow-root 1½	Mutton or fish 3 or wheat flour 4	or rice 4 or wheat flour 5 and rice 5 <i>Dal</i> .. 2	or rice .. 11 or wheat flour 5 and rice .. 6 <i>Dal</i> .. 3
	Sugar .. 1½	Onions .. ½ Oil .. ½ Salt .. 1½	Vegetables .. 3	Vegetables .. 3
		Condiments 1½	Oil .. ½ Salt .. ½ Condiments .. ½	Oil .. ½ Salt .. ½ Condiments .. ½

(ii) The prescribed scales of diet, except milk diet or low diet, shall be divided between the midday and evening meals. Proportionate scale of hospital diet.

9. DIET FOR "A" AND "B" CLASS PRISONERS IN HOSPITAL

(i) The ordinary hospital diet scales for "A" and "B" class prisoners shall be the same as those of "C" class prisoners. Diet scale for "A" and "B" class prisoners in hospital.

(ii) The following articles may be issued as extras, if and when required, in such quantities as may be recommended by the Medical Officer :—

Chicken.	Lemonade.
Milk.	Soda-water.
Eggs.	Ice.
Sug. r.	Spirits.
Sago.	Simple puddings.
Rice or barley-water.	

10. PREPARATION OF FOOD

615. Of equal importance is the quality, proper preparation and cooking of the food and its issue in full quantity. The Superintendent and Medical Officer shall therefore exercise the utmost vigilance in the supervision of food supplies, and when the food is cooked and ready for issue, and also after distribution into the prisoners' plates, it shall at least, once in every week, be inspected without previous notice, by the Superintendent of the jail and by the Medical Officer, to see that it is properly prepared. At this inspection, the weight of the food distributed to several of the prisoners should be tested. Inspection of food-supplies and of cooked food by Superintendent and Medical Officer.

616. All items of the dietary shall be weighed out to the cooks in a fully prepared state, or, if this is impossible, with a full allowance for any loss which must occur in preparation by food. Weighment of articles of food.

the cooks. The following instructions must be strictly observed :—

- (1) No rice less than three months old shall be issued.
- (2) If rice is produced from paddy in the jail, the paddy shall not be husked until it is a month old, and the rice from it shall not be issued until it is thoroughly dry, or within two months from the time the paddy is boiled and dried.
- (3) The rice, when weighed out to the cooks, must be free from husk, dust, or any foreign matter, and broken rice.
- (4) Of broken rice separated from the whole rice, the half grains may be used without admixture with whole rice, for the early morning meal.
- (5) The smaller particles of broken rice and other refuse shall on no account be issued for prisoners' food.
- (6) The weight and bulk of cooked rice from a given weight of uncooked grain will vary according to the age of the grain and the season. The weight of six chhataks of raw rice when cooked may vary between 16 chhataks and 18 chhataks. The proper weight of the cooked ration should therefore be frequently tested by experiment.
- (7) Wheat and juar shall be thoroughly freed from dirt, unsound grain, and other substances before they are ground into flour. As juar is liable to deteriorate in the rainy season a careful watch should be kept on it at that time of the year and wheat be substituted for it when it is in the opinion of the Medical Officer unfit for issue. The flour shall be sifted through a fine perforated zinc sifter (No. 6 gauge) or fine wire gauze.
- (8) No *dal* shall be cooked until it has been thoroughly husked and until unhusked grains have been carefully picked out. *Kalai* and *mung dals* cannot be thoroughly husked before they pass into the cook's hands, as they have to be soaked and rubbed to get the husk off. When these are issued, an excess of 10 per centum beyond the scale allowance shall be given to compensate for subsequent loss of weight in husking; and care must be taken that when the cooks husk these *dals*, they do not wash away and waste the grain. *Dals* of different kinds or *dals* and other grain must not be cooked together. The consistency and bulk of the cooked ration should be frequently tested as ordered in regard to rice (clause 6). Some *dals* become hard by storage; such should be steeped for a considerable time and be cooked very slowly.
- (9) Antiscorbutics must be used in full weight of the edible parts, proper allowance being made for the husk, seeds and fibre. Each supply should be tested by separating the edible part from that which is not edible of a given weight, and finding the proportion of one to the other. The rate of issue in accordance with the prescribed scale should then be fixed in that proportion. *Putwa* must include only the edible calyxes of the fruit, and with *amchur*, allowance must be made for the

dried skin. Limes, roselle, and unripe mangoes may be preserved by pickling or in the form of chutney. Such preparations, if carefully made, with a sufficiency of different condiments, form a valuable variation to the condiments and antiscorbutics issued at those seasons when the appetite of the prisoners shows signs of failing. Instructions are appended for making such preparations. The Jailer should prepare in proper seasons an ample supply of tasty pickles and see to their proper preservation for use when required.

See paragraphs 312 and 426.

(10) Only succulent vegetables shall be issued. They shall be freed from stalks, fibrous portions, and rotten leaves or parts, and shall be cut up ready for the pot before they are weighed out to the cooks. Light-labour or special gang prisoners may prepare the vegetables. Arrangements must be made to ensure a sufficient supply during the hot weather and rains of succulent, nutritious, and antiscorbutic vegetables; *sags* should be given only at intervals and when young and tender; successive crops of country radish should be ready at this time, and China cabbage should be largely cultivated. Brinjals, melons, cucumbers and *sags* are of little nutritive or antiscorbutic value. Onions, yams, *kutchu*, *sukkerhand* and potatoes should be specially grown and stored for issue at this season. Potatoes and onions when issued may be spiced with oil and chillies and given in the form of *bhurta*. Unless there is an abundance of other succulent vegetables available, Superintendents should endeavour to arrange that at least half the vegetable ration supplied by the jail garden consists of esculent roots possessing antiscorbutic properties. The vegetables should be examined daily by the Medical Officer, and the quantity supplied daily from the jail garden must be entered in the gate register.

(11) Fish, when issued, shall be weighed exclusive of fins, scales, heads and tails. When meat is issued, an allowance of 20 per cent extra shall be given for bone, except in the case of "A" and "B" class prisoners as specified in the diet scales.

617. All articles issued for rations shall be inspected frequently by the Medical Officer, and any defect of quality noted by that officer shall be reported at once to the Superintendent of the jail by the Jailer. Medical Officer to inspect rations.

618. Correct and well-made beam scales and weights shall be used in every jail, both for weighing supplies in bulk and for weighing the food after distribution, and shall frequently be tested by the Superintendent; the scales shall be kept properly adjusted. Proper tin measures, carefully and frequently tested, shall be kept for the distribution of all food that has to be given out by measure. All complaints of prisoners respecting the quantity, quality, or cooking of the rations shall be at once brought to the notice of the Superintendent, and promptly enquired into, and if the complaint be found true and irregularity is due to the fault of any jail official, the Superintendent shall record his orders in his minute-book. Scales, weights and measures; complaints concerning food.

Issue of
uncooked
food.

619. The uncooked food shall be weighed out to the cooks by the Jailer or the official specially appointed to keep the godown. The Jailer shall, however, be always held responsible for seeing that the full quantity is issued. The official in charge of the godown shall not issue the mustard oil until it is required to be put into the cooking pot. He shall be careful that the oil is put into the cooking pot in his presence.

Cook-house

There shall be only one cook-shed in the criminal prisoners' division of each jail. Muhammadan as well as Hindu cooks shall be appointed as required.

Selection of
cooks.

620. The cooks shall be of the non-habitual class. Any Brahmin or sufficiently high caste Hindu prisoner from this class is eligible for appointment as cook. Any prisoner who objects on account of high caste to eat food prepared by the existing cooks shall be appointed a cook and be made to cook for the full complement of men. Individual criminal prisoners shall, under no circumstances, be allowed to cook for themselves.

Cooking of
food;
cleanliness
of vessels,
etc.

621. The cooks shall perform all preparations and processes necessary after issue of the daily supplies to them, and shall cook the food with due care and attention. The dough for *chapatis* shall be slowly and thoroughly kneaded, and then rolled to a uniform thickness on a table by a rolling-pin, not patted by hand; a circular cutter shall be used to make the cakes of one size; and the cooking must be done slowly on a gently-heated plate, so as not to burn the outside whilst the inner part remains uncooked. Iron cooking pots shall be used. All cooking utensils must be kept scrupulously clean and bright, and the cook-house and feeding-places as clean and tidy as it is possible to make them. Any breach of this rule shall subject the cooks to such punishment, within the limits fixed by these rules, as the Superintendent of the jail may after due and proper enquiry award.

Protection
from weather
during
meals.

622. Places at which prisoners take their mid-day meal in the hot weather, or any meal when it rains, should be sheltered from the sun and rain.

11. PROCURING AND STORING FOOD-SUPPLIES

Responsi-
bility for
purchase
and
storage.

623. The Superintendent and Jailer shall be held responsible that arrangements are made in due time for storing at the cheapest season grain of such kinds as are required in sufficient quantity to last (with what may at the time be in stock) until the following year's crop can safely be used. See para-graph 291.

Purchase of
grain.

624. The Superintendent and Jailer must exert themselves to ascertain which is the cheapest market accessible to the jail, and must not be content with purchasing in the local bazar, or in small quantities at retail prices, or in other than the cheapest season. The responsible officers of each jail should make their own arrangements and must not be dependent on neighbouring jails for obtaining supplies, but Superintendents of jails are expected to render each other all the assistance in their power.

in the purchase of food-stuffs or other articles that may be procurable at their stations at favourable rates. The Deputy Commissioner of the district should be consulted, and enquiry should be made from the Tahsildars of the district, or of neighbouring districts, both as to the cheapest market and facilities for cheap carriage. These officers should also be asked to afford assistance in arranging contracts with landholders and others who have the command of large crops to take over their produce at reasonable rates. The Jailer may be deputed to visit the large marts, ascertain the prices of wholesale dealers, and make arrangements for weighment and transport, and trustworthy jail officers may be sent to superintend the weighment and despatch of the grain to the jail. The travelling allowances of these officers will be passed according to rule.

625. The Jailer shall be responsible for the weighment of all supplies and their safe-keeping after delivery, and he shall cause all articles purchased for the use of the jail to be produced for the inspection of the Superintendent, who shall examine a portion of every delivery of grain brought into the jail and satisfy himself that it is of good quality and suitable for its purpose before it is stored. When the Superintendent has passed the articles they shall be at once made over to the official in charge of the stores, who shall enter their description in the stock register. There should be no delay between delivery and weighment, and payment must be made at once after weighment and approval by the Superintendent.

Examination of grain. Prompt payment to be made.

626. Grain should not be finally stored until thoroughly dry, if very new and damp, it should be spread out to dry in the sun for two or three days before it is stored. During this time, it should be frequently turned over by light-labour prisoners. It must not be left lying in the open air at night. While in store, it should be protected from the depredation of birds and vermin, and as far as possible be inaccessible to prisoners other than those employed in its preparation. If grain is stored in *bundas*, or in any place the walls or floor of which are liable to become damp, at least a foot of chaff or paddy-husk should intervene between the grain and the walls and floor. The roofs must be water-tight and the grain should occasionally be turned over and exposed to the sun and dried.

Storage and subsequent care of grain.

627. Superintendents, in consultation with Medical Officers, should use their discretion in storing either paddy or rice, according to the circumstances of each jail, having regard to the labour available and the profit to be obtained. It is not expedient always to husk paddy in jails when the labour can be more profitably employed for the benefit of Government. The boiling and drying of paddy preparatory to husking shall not be carried on during the rainy season, *i.e.*, during the 4½ months from 1st July to the 15th October. Arrangements must be made to complete the boiling and thorough drying of the paddy during the dry season. If the labour available is not sufficient to prepare in the dry season the whole of the paddy required for the year's supply, rice must be purchased and stored for issue during the rains.

Storage of paddy or rice.

Husking of
paddy.

628. Great care must be exercised in husking paddy that the rice is not damaged by over-boiling or steeping, that the grain is thoroughly freed from the outer husk, and that excessive waste is not caused by breaking the grain. Every batch of rice produced should be examined by the Superintendent and Medical Officer, and any rice damaged should be condemned and used for cattle; if the rice is imperfectly husked, it shall be returned to the convicts to be properly cleaned. Those in fault either in respect of damage or waste should be punished, and the quantity damaged or lost as waste should be written off the accounts. Where female convicts are available, these should be employed in husking paddy in preference to males, as many of them are accustomed to such work in their own homes. If the work is done by male convicts, the Jailer must himself supervise the work, and will be held responsible that due care is taken to obtain clean and good rice.

Utilization
of prison
labour;
comparison
of out turn
with mate-
rials issued.

629. So far as possible, articles of diet required for feeding prisoners shall be raised on jail land and be prepared by jail labour. All pulses required for consumption in a jail shall invariably be husked by prisoners, and both in regard to these and the manufacture of flour and mustard oil for food, the Superintendent should frequently compare the amount of the outturn with the grain issued and see that a full return is obtained.

SECTION II.—BEDDING AND CLOTHING

Supply of
clothing and
bedding.
Prisoners
not to use
or possess
any other.

630. (1) Subject to the provisions of section 31 and section 33 of the Prisons Act, 1894, and the rules made under the former section as to civil prisoners and unconvicted criminal prisoners who are permitted and able to provide themselves with clothing, bedding or other necessities, every convicted criminal prisoner and every civil prisoner and unconvicted criminal prisoner who is supplied with clothing and bedding under the provisions of section 33 of the said Act, shall wear such clothing and use such bedding as is supplied to him by or under the orders of the Superintendent and no other.

(2) No prisoner to whom any clothing or bedding is supplied under clause (1) shall receive, possess or use, or be permitted to receive, possess or use, any article of clothing or bedding other than an article so supplied or an article, the receipt, possession or use of which the Superintendent may, at any time, sanction in respect of any such prisoner.

Convicts to
wear prison
dress.

631. Every convict shall ordinarily wear the prescribed prison dress:

Provided that the Superintendent may, at any time, in his discretion, by general or special order in that behalf, relax the provisions of this rule in respect of any prisoner or class of prisoners under sentence of simple imprisonment subject to such conditions (if any) as he may think fit to impose in that behalf.

Prisoners to
conform to
orders as to
the care, etc.,
of articles.

632. Every prisoner to whom any article of clothing or bedding or other equipment is at any time supplied, shall conform to all such orders as to the care, custody and use, as the case may be, thereof, as may from time to time be issued by the

Superintendent, subject to the directions (if any) in that behalf, of the Inspector-General.

633. The Inspector-General shall fix the scale of clothing and bedding and other necessities of equipment to be provided in respect of each class of prisoners, and may, from time to time—

Power to fix scales of prison clothing and bedding.

- (a) vary the scale of clothing and bedding generally, or that prescribed in respect of prisoners of any class;
- (b) prescribe a special scale in respect of the prisoners confined in any jail, or in the jails situate within any specified local area;
- (c) prescribe a special scale in respect of any period or periods of time or during any season of the year; and vary the shape, size, material or quality of any article prescribed in any scale of clothing or bedding.

634. (1) The scales of clothing and bedding and other necessities of equipment, from time to time prescribed, shall contain provision in respect of prisoners of each of the following classes, namely:—

Provision to be made in prescribing clothing, bedding, etc. Exhibition of scales.

- | | | |
|-----------------------|----|---|
| (A) "A" and "B" class | .. | } Convicted criminal prisoners and un-convicted criminal prisoners who do not provide or only partially provide their own clothing, bedding and other necessities of equipment. |
| (B) "C" class | .. | |

- | | | |
|-----------|----|--------------------|
| (1) Males | .. | { (a) Summer wear. |
| | | { (b) Winter wear. |

- | | | |
|-------------|----|--------------------|
| (2) Females | .. | { (a) Summer wear. |
| | | { (b) Winter wear. |

- | | |
|--|--------------------|
| (3) Convict officers, in respect of each class of such officers. | { (a) Summer wear. |
| | { (b) Winter wear. |

- | | | |
|------------------------|---|---|
| (C) "A" and "B" class. | } Civil prisoners who do not provide or only partially provide their own clothing and bedding, etc. | { (1) Males—winter and summer wear, respectively. |
| (D) "C" class | | |

(2) Provision shall also be made in the scales prescribed under class (1) for the clothing, bedding and other necessities to be allowed in respect of any infant permitted to reside in jail with its mother (who is a prisoner) or after the death of its mother.

(3) Copies of the scales of clothing, bedding and other necessities of equipment for the time being in force in the jail, shall be exhibited in the manner provided in regard to the exhibition of copies of rules, in section 61 of the Prisons Act, 1894.

Powers reserved to Medical Officer to order extra clothing.

635. Nothing in the foregoing rules contained shall be deemed in any way to limit or restrict the power of the Medical Officer, in his discretion, at any time, to direct, on medical grounds and for the benefit of the health of any prisoner or class of prisoners, the issue of extra clothing to any such prisoner or class of prisoners for any specified period or during any season of the year.

Supervision of supply of clothing and bedding.

636. It shall be the duty of the Superintendent, the Medical Officer and the Jailer at all times to satisfy themselves, respectively, that—

- (a) every prisoner is provided with sufficient clothing and bedding to secure his health;
- (b) every prisoner entitled to prison clothing and bedding is duly supplied therewith according to the prescribed scale applicable to the class to which such prisoner belongs;
- (c) all clothing and bedding supplied is of the prescribed description and quality, clean, in good condition and in all respects suitable for use by prisoners;
- (d) all articles of clothing or bedding at any time obtained and stored in the jail are frequently inspected, and that all articles which are in any respect unsuitable or inferior to the prescribed description and quality are forthwith rejected and are not issued for the use of the prisoners.

Duty of Inspector-General with regard to clothing, etc.

637. It shall be the duty of the Inspector-General from time to time to take all such measures as may be necessary to ensure that every prisoner is at all times so supplied with clothing and bedding as to preserve him in reasonable comfort and good health.

Responsibility of prisoners regarding clothing, etc.

638. (1) No prisoner shall destroy, damage or in any way make away with any article of clothing, bedding or other equipment at any time supplied to him or in his possession, and every prisoner shall take reasonable and proper care of every such article.

(2) The manner in which articles of clothing, bedding and other equipment as the case may be, supplied to prisoners, are to be kept or used by such prisoners, shall be prescribed by the Superintendent subject to the directions (if any) in that behalf of the Inspector-General.

SECTION III.—CLOTHING AND JAIL EQUIPMENT

Prisoners to wear prison dress of uniform pattern.

639. All prisoners' clothing shall be of one uniform pattern which has been prescribed for all jails. Clothing will be supplied by the jails appointed for the purpose from time to time.

640. Every male convict shall on admission into the jail be supplied with one pair of coats, two pairs of shorts, one cap, one pair of loin cloth and one blanket; every female convict with two saris, two chudders, two bodices and one blanket. All prisoners will also be provided with an iron plate and cup of uniform pattern to be made up in some jail, one brass tumbler for drinking water and a sleeping mat 2 by 6 feet.

641. Articles of clothing shall be given out as they are required and not on any fixed date. They shall be issued on indents received from the Octagon Officers and Matrons in the Nagpur and Jubulpore Jails. In the case of the other jails, the issue shall be authorized by the Superintendent by an order written in the order book.

In the case of all prisoners, sentenced to more than one month's imprisonment the jail register number of the prisoners shall be carefully affixed to each article of his clothing.

642. Coats and caps for summer wear shall be made of dosuti; for the cold weather woollen coats shall be issued. It shall be within the discretion of the Medical Officer to direct the issue of the extra blanket or the substitution of one kind of clothing for the other at any time, but ordinarily the winter season shall be considered as lasting from the 15th October to the 15th March.

Issue of warm clothing and blankets.

643. The distinctive marking and colouring of the clothing must be strictly adhered to. The summer clothing shall be white, the class being indicated by stripes of dark blue colour woven into the material—a narrow blue stripe for non-habitual prisoners and two such stripes for habitual prisoners; the blanket clothing will be similarly distinguished by stripes.

Marking and colouring of clothing.

644. The labour according to which the prisoners are classed will be distinguished by the colour of the caps worn by them, so that it will not be necessary for the Superintendent or an Inspecting Officer to refer to the labour-ticket of a prisoner in order to ascertain the class of labour to which he belongs. It will also be possible to see at a glance that prisoners are only employed on the labour for which they are classed. The distinctive colouring of the caps shall therefore be as follows:—

Colouring of caps to indicate class of labour.

- (1) Prisoners on 1st class labour—white caps.
- (2) Prisoners on 2nd class labour—blue caps.
- (3) Prisoners on 3rd class labour—yellow (Multani matti colour) caps.
- (4) Prisoners in the infirm gang—yellow caps with blue tops.
- (5) Prisoners who have escaped—red caps.

At all inspection parades the prisoners should parade as classed for labour.

645. When prisoners are engaged in any occupation which inevitably soils the clothes, arrangements should be made to allow them to wear some partially worn-out clothing to be put off after work hours.

Worn-out clothing for prisoners engaged in certain occupation.

Disposal of unserviceable clothing. 646. Once a month all articles of clothing considered unserviceable shall be brought before the Superintendent by the Jailer, and if declared useless, shall then be marked off by the Superintendent with his initials in the stock book. At the same time, the articles shall be divided into cotton and woollen stuffs and there and then be counted in the Superintendent's presence, the number being recorded in a note in the stock book. See paragraph 662.

All clothing condemned as unserviceable shall be utilized for the mending of torn clothing.

Submission of clothing indents. 647. The yearly indent for clothing shall be submitted in the prescribed form to the Inspector-General by the 10th March, so that the annual supplies may be ready for issue immediately after the close of the rains. Before submitting this indent the Superintendent should parade the prisoners, and carefully examine all articles of clothing in use and in store. The stock account should be verified, all repairable clothing should be thoroughly mended, and unserviceable articles condemned.

Charge of clothing godown. Protection from pests. 648. The clothing godown shall be placed in special charge of one of the jail officials subject to the general responsibility of the Jailer. Every care must be taken to protect the clothing from damp and from the ravages of rats and whiteants.

Clothing of prisoners transferred. Convict to appear in court wearing ordinary clothes. 649. All clothing sent with prisoners transferred will be sent back by the receiving jail. A convict appearing in court, either as a witness or an accused person, should appear in his ordinary private clothes in case he has such clothes in the jail godown, otherwise he must appear in his usual prison clothing.

Washing of clothes. 650. The prisoners shall wash their own clothes at least once a week, a little *sajji matti* or soap-nuts (*reeta*), if cheaper, being issued for that purpose. The strictest attention must be paid to having all clothing of released prisoners thoroughly washed, boiled and repaired before being placed in the store room. See paragraph 1118.

As directed above the prisoners shall wash their own clothes at least once a week, a solution of *sajji matti* or soap-nuts (*reeta*), if cheaper, being provided so that each prisoner may clean them thoroughly. Where proper bathing-platforms are supplied and a liberal supply of water allowed, the washing of clothes should not take more than 20 minutes or half an hour, and should be carried out immediately after the prisoners have bathed and before the midday meal. A prisoner washerman may be employed in washing the clothes and bedding of those sick in hospital. Each jail should be provided with a boiler for boiling and washing blankets and blanket *kurtas* and infected clothing, as directed above, this shall be, if possible, outside the jail walls, and clothing of newly admitted prisoners and hospital patients shall be washed and boiled there. Hospital clothing and bedding should be washed and boiled at frequent intervals. The boiling must be done thoroughly: there ought to be no vermin in the clothing. See paragraphs 798 and 975.

651. Specially marked cotton clothing, blankets, bed sheets and mat bedding should be supplied for hospital use. On admission to hospital each prisoner should place his ordinary jail clothing and bedding in the store-room, and should receive in exchange a suit of hospital clothing. When a prisoner dies in hospital the Medical Officer shall direct whether his clothes are to be destroyed or whether they shall be cleansed and returned into store. Hospital clothes.

652. The measurements of the standard sizes according to which prison clothing should be made up are as follows:— Measurement of prison clothing.

Description	Standard size in inches	
	Length	Breadth from seam to seam
Convict officers		
Yellow dosuti convict warders' long coat (<i>Chaphans</i>) ..	40	Chest 54 circumference.
Blue and white dosuti convict overseers' coat ..	32	26
Overcoats for convict warders—(Pattern same as for paid warders—To be made of prison blanket cloth with the stripes denoting year of manufacture down centre of back).		
White turban ..	4½ yards	18
Male convicts		
White dosuti coats (dark blue lines square 6'')	28	26
Dosuti shorts (dark blue lines square 6'')	24	25
Dosuti loin cloths (angochas) dark blue lines square 6''.	60	27
Dosuti caps, 1st size ..	6 flap ..	22 circumference.
Dosuti caps, 2nd size ..	6 flap ..	21 circumference.
Blanket, 1st size ..	8 flap ..	24 circumference.
Blanket, 2nd size ..	7 flap ..	22 circumference.
Female convicts		
Dosuti bodices (kurties blue lines square 6'')	24	26
Sari (blue lines square 6'')	5 yards ..	36
Sari (blue lines square 6''), second size ..	7 yards ..	48
General		
Blanket coats	30	26
Blanket trousers		
Blankets		

Description			Standard size in inches	
			Length	Breadth from seam to seam
Hospital				
Dosuti coats	} As for ordinary prisoners but with red lines.
Dosuti shorts	
Dosuti loin-cloth (angochas)	
Dosuti pillow cases	30 18
Dosuti sheets	7 feet . 45
Mattress cases	7 feet .. 4 feet.
Skirts for females	38 32 top circumference 84 bottom.

NOTE.—Non-habitual male and female convicts' clothing will be with one thick dark blue line. Habitual male and female convicts' clothing will be with two dark blue lines. Hospital, both classes, with red lines.

Clothing of
"B" class
prisoners.

653. Criminal prisoners classified as "B" class shall each be supplied with the following clothing and necessities:—

- 2 cotton shirts.
- 1 coat (cotton in summer and woollen in winter).
- 1 pair shorts.
- 1 pair trousers or pyjamas.
- 2 pairs socks (cotton in summer and woollen in winter).
- 1 cap or hat.
- 1 jersey (in winter).
- 1 pair shoes or chappals.
- 1 bath towel, 1 face towel.
- 2 handkerchiefs.
- 1 comb.
- 1 to 3 blankets, according to season.
- 2 bed sheets 7' x 4'.
- 1 durrie 6' x 3'.
- 1 tatpatti 6' x 3'.
- 1 pillow with cover.
- 1 brass mug.
- 1 aluminium plate.
- 1 spoon.
- 1 fork.

NOTES.—(1) Dhooties are not absolutely prohibited, but should be given with discrimination at the discretion of the Superintendent of the jail in place of shorts, trousers or pyjamas.

(2) Sikh and Mohammadan prisoners should be given respectively the kachh and special type of pants as provided in rules 734 (4) and 736 (d).

The following shall be supplied to female prisoners classified as "B" class instead of the first six items in the above list :—

- 2 cotton skirts or saris.
- 2 cotton blouses or cholis.
- 2 shirts or kurtas (cotton in summer and woollen in winter).
- 2 pairs cotton drawers or two lenghas.
- 2 pairs cotton stockings and one pair of garters.

Convict officers classified as "B" class prisoners shall wear a brass badge indicating their rank on the left arm.

Articles of clothing solely for the use of "B" class female prisoners need not be kept in stock, but may be ordered as necessity arises. Pending this issue, they shall wear their own private clothing.

654. The Medical Officer is empowered to order the issue of extra cotton or warm clothing or bedding to any prisoner who needs them on medical grounds. A pair of woollen shorts, a blanket cap and an extra blanket shall be issued to all prisoners of 50 years of age and upwards, and to all prisoners of the "convalescent" and "special" gangs (see paragraph 1140), and shall remain with them at all seasons. Where there is any tendency to bowel-disease a woollen cholera belt shall also be issued to such prisoners and to any others whom the Medical Officer may declare to require them. At the discretion of the Medical Officer an extra blanket may be given to prisoners in the cold season. Care must be exercised to secure that this extra clothing and bedding is taken from every prisoner when discharged from these gangs, or when the Medical Officer declares it is no longer necessary. Extra clothing to prisoners on medical grounds.

655. Prisoners who work in the open shall in the rainy season be supplied with an extra blanket coat (old), which they shall take with them to their work leaving their own blanket coats behind in charge of a head warder. On return from work they shall resume their own blanket coats, which will be dry, and give up the others to a head warder to be dried if necessary. If their cotton clothing becomes wet, it shall be taken from them to be dried and other clothing shall be given to them to wear in their wards, until their own clothes are returned to them dry, when the extra clothing shall be given up. All extra cotton and woollen clothing reserved for this purpose shall have a distinctive mark, and shall be kept together when not in use and entirely separate from the prisoners' ordinary clothing. Such prisoners shall also in the hot weather and rainy season each be supplied with a *toka* or sun-hat. The Jailer shall at all times have in store stock of extra clothing sufficient to meet all demands under this and the preceding paragraph. Extra clothing for prisoners working in rain.

656. Prisoners who work at stone-breaking or at aloe-pounding shall be supplied with eye-protectors, gaiters and sleeves of coarse canvas to protect their limbs. Those who are employed on work which specially soils their clothes may be supplied with an extra pair of shorts or a gunny apron. Extra clothing, etc., for prisoners who work at stone-breaking.

Responsibility
of prisoners
regarding
clothing, etc.

657. Any prisoner who through want of care, or willfully, renders any articles of clothing or of his equipment unserviceable before he is entitled to a new issue, shall be liable to punishment. The possession of extra clothing or portions of clothing not authorized by these rules, or other articles of jail equipment, or loss of any of those things, or exchanging them, the making of pockets, *langoti* or extra sleeves, and altering or erasing the numbers on clothing should be punished in accordance with the rules in Chapter III, Part II. On the other hand, any prisoner who makes his clothing last in serviceable condition for one, two or three months beyond the prescribed period shall be rewarded by the Superintendent by the grant of any extra remission he thinks proper within the limit allowed by the remission rules.

Clothing to
be kept
serviceable.

658. Each prisoner's clothing and equipment shall be renewed from time to time as necessity arises; no date for the general or periodical issue of clothing, etc., is fixed; prisoners should not be allowed to remain in tattered and unserviceable clothing. The Superintendent should pay attention to this matter at his weekly parades and see that repairs are effected when damage or signs of wear appear.

Blankets and
bedding to
be aired.

659. At least once a week, when the weather is fine, the bedding and blankets shall be aired in the sun for full three hours. This shall ordinarily be done after the midday meal, and the bedding shall be left out until the prisoners return from work in the evening.

Charge of
clothing
godown.

660. One of the head warders shall be placed in special charge of the clothing godown, and shall be made responsible for the state of the clothes. The godown itself should be dry and well ventilated, and shall be fitted with proper shelves. The blankets and clothing shall be arranged in these shelves either separately or in complete kits ready for issue.

Washing of
released pri-
soner's kit.

661. The godown head warder, on taking over the kit of a released prisoner, shall see that all the articles have been carefully washed and dried and shall on no account store blankets and clothes in a dirty or damp state; all clothing taken back from prisoners shall be carefully examined, and any that may be fit for further use shall be mended and kept in store for re-issue to newly-admitted prisoners. The blankets and clothing in store shall be aired in the sun at least once a month, and, if possible, on Sundays.

Record of
clothing.

662. A careful daily record of all clothing received and issued shall be kept by the Assistant Jailer under the Jailer's supervision. Clothing shall not be declared to be or written off the accounts as unserviceable until examined by the Superintendent and condemned by him as unfit for further use. All clothing considered unserviceable shall be brought before the Superintendent once a month, and after being condemned by him, any portion of it which may then be fit for the repair of other clothing shall be made over to the tailors, and the rest shall be torn up into small pieces not larger than six inches square. All entries in the account of unserviceable clothing written off shall be initialled by the Superintendent. See para-graph 646.

663. If a civil prisoner is unable to provide himself with sufficient clothing and bedding or if his own are insufficient for health or decency, the Superintendent shall supply such clothing and bedding as may be necessary from the jail stores, the amount recovered for clothing and bedding being credited as factory receipts.

664. In case the private clothing of prisoners sentenced to simple imprisonment is insufficient for decency or warmth the Superintendent shall order the supply of whatever jail clothing is necessary to make up the deficiency.

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Military prisoners who by their classification or by the nature of their imprisonment are entitled to wear their own clothes should on no account be allowed to wear military uniform while in jail.

If they have no other private clothing they should be provided with jail clothing appropriate to their class.

665. Blankets and bedding, cup and plate and brass tumbler shall be supplied to simple imprisonment prisoners as to labouring convicts, and when not in use, the former shall be kept neatly folded, and the latter, clean and arranged in an orderly manner, as required by paragraph 716.

666. Before a condemned prisoner is placed in a cell he shall be given a suit of jail clothing, three blankets (one blanket being instead of the usual tat-bedding), an iron cup and plate and a brass tumbler. Similar action to be taken in the case of a female prisoner.

667. Prisoners admitted to hospital must be supplied with an iron cot for every patient. Each cot shall be covered with a "tat-bed" or mattress and each patient shall be provided with a pillow, two bed sheets and as many blankets as the Medical Officer may consider necessary.

668. Convict overseers will be supplied with a special uniform consisting of blue and white cotton coat (*anga*), white cotton shorts or trousers and white turban made of *angocha* cloth.

NOTE.—Female convict overseers shall wear blue *saries*.

669. Convict watchman shall wear ordinary prison clothing; but shall have a band of red cloth on the upper part of both sleeves.

670. Convict warders shall wear a uniform which shall consist of a yellow cotton *chapkan*, white cotton shorts or trousers and white turban made of *angocha* cloth, a pair of *chap-pals*. When on patrol duty at night or when posted, in lonely places, where assistance could not readily be obtained they shall carry the ordinary Warder's baton.

NOTE.—Female convict warders shall be supplied with yellow *saries* instead of the *lungas* of the jail pattern.

CHAPTER XI

EMPLOYMENT, INSTRUCTION AND CONTROL OF CONVICTS

Rules under section 59 (12) and (14) of the Prisons Act regulating the employment, instruction and control of convicts within or without prisons and classifying and prescribing the forms of labour and regulating the periods of rest from labour

SECTION I.—LABOUR AND JAIL INDUSTRIES

671. No work except menial and necessary work shall be done on the following days :— Jail holidays.

Sundays.	Muharram (2 days, 8th and 10th).
New Year's Day.	Janamastami.
Til Sankrant.	Dasehra.
Holi.	Divali (2 days, 1st and 3rd).
Ramnaumi.	Christmas day.
Good Friday.	Birthday of the King Emperor.
Id-ul-Fitr.	
Id-uz-Zoha	

See para.
724.

Prisoners who are not Christians should not, however, be made to spend Sundays in idleness; they shall wash and repair their clothes, attend to the general cleanliness of the jail and put everything in order against the Superintendent's inspection on Monday. The Jailer and the Assistant Medical Officer shall select prisoners at the Sunday parade whose state of health renders a change in the class of labour desirable, and they shall lay their suggestions before the Superintendent at the Monday parade.

See para.
719.

672. All prisoners shall be allowed two hours' rest from 11-30 a.m. to 1-30 p.m., between the 16th March and 15th October. During the same period prisoners in the "convalescent and infirm" gangs and in the "special" gangs shall have three hours' rest from 11-30 a.m. to 2-30 p.m., and in other months of the year they shall have two hours' rest from 12 noon to 2 p.m. During rest-time prisoners shall be locked in their sleeping wards, except in the case of infirm and special gangs in the cold season, who may be allowed to take their rest outside the barracks. Prisoners employed on outdoor work shall not be sent out to work during rain.

Hours of rest
from labour.
Prisoners
locked up
during hours
of rest.

From the beginning of November to the 15th March the daily routine will be similar to that described in Chapter XI, Section III, except that the prisoners will be roused an hour later, and will be locked up an hour earlier; during this period of the year, no midday rest is necessary.

At both the midday and evening lock-ups, the prisoners shall be counted carefully into their barracks by the Jailer or octagon officer, assisted by the Head Warder.

673. All labour exacted from prisoners shall be classified as "hard", "medium" or "light" labour according to the amount of physical exertion required for the performance of a fixed task, and the maximum tasks which shall be exacted from any prisoner shall be fixed. No general reduction of the tasks fixed shall be allowed in any jail without the sanction of the Inspector-General. Every Superintendent shall be acquainted with the tasks to be exacted from his prisoners. In the following table an attempt is made to show standard tasks for each class of labour on the most important of the various kinds of taskable work practised in the jails of the Central Provinces and Berar.

[illegible]

1. Cotton.			2. Cotton.			3. Cotton.			Per man.
Weaving 27" pugree cloth ..	12	0 0	10	0 0	8	0 0		Do.	
Weaving 33" pugree cloth ..	10	0 0	8	0 0	6	0 0		Do.	
Weaving 28" bhagri cloth ..	16	0 0	14	0 0	10	0 0		Do.	
Weaving 36" bhagri cloth ..	14	0 0	12	0 0	8	0 0		Do.	
Weaving 26" dosuti cloth ..	16	0 0	14	0 0	10	0 0		Do.	
Weaving 28" dosuti cloth ..	16	0 0	14	0 0	10	0 0		Do.	
Weaving 30" dosuti cloth ..	16	0 0	14	0 0	10	0 0		Do.	
Weaving 36" dosuti cloth ..	14	0 0	12	0 0	8	0 0		Do.	
Weaving prison cloth ..	18	0 0	15	0 0	12	0 0		Do.	
Weaving hand towels 42" x 24" each.	6 in number.		5 in number.		4 in number.			Do.	
Weaving bath towels 54" x 36" each.	4 in number.		3 in number.		2 in number.			Do.	
Weaving plain or striped 2' durries on handloom.	0 12 0		0 10 0		0 8 0			Do.	
Weaving plain or striped 3' durries on handloom.	0 10 0		0 8 0		0 6 0			Do.	
Weaving plain or striped 4' durries on handloom.	0 5 0		0 4 0		0 3 0			Do.	
Weaving plain or striped 4½' durries on handloom.	0 3 6		0 3 6		0 3 6			Two men.	
Weaving plain or striped 5½' durries on handloom.	0 3 0		0 3 0		0 3 0			Do.	
Weaving plain or striped 6' durries on handloom.	0 2 6		0 2 6		0 2 6			Do.	

TASKS—cont.

Description of work	Classification and task						Remarks
	Hard	Medium	Light				
	Yds. ft. in.	Yds. ft. in.	Yds. ft. in.				
<i>I.—Cotton Industry—cont.</i>							
Weaving plain or striped 8' durries on handloom.	0	2	0	0	2	0	Two men.
Weaving plain or striped 9' durries on handloom.	0	1	6	0	1	6	Do.
Weaving purdas, handloom 6'	0	2	0	0	2	0	Do.
Weaving fancy purdas, handloom 6'.	0	1	6	0	1	6	Do.
Weaving Scotch carpets and Kidderminster carpet durries on handlooms.	0	8	0	0	7	0	Per man.
Weaving plain or striped punja durries on handlooms.	0	1	6	0	1	6	Do.
Weaving plain or striped punja durries with key border on handlooms.	0	1	0	0	1	0	Do.
Weaving fancy durries with close pattern on handlooms.	0	0	4	0	0	4	Do.
Weaving fancy durries with Median pattern on handlooms.	0	0	5	0	0	5	Do.
Weaving fancy durries with open pattern on handlooms.	0	0	6	0	0	6	Do.
Weaving plain or striped pile rug on handlooms.	0	0	4	0	0	4	Do.
Weaving fancy pile rugs on handlooms.	0	0	3	0	0	3	Do.

II.—Woollen Industry.

Weaving blanket material ..	10 0 0	..	..	Per man.
Weaving blanket coat and sleeves.	14 0 0	..	..	Do.
Weaving old wool blanket ..	4 0 0	..	..	Do.
	Lb.	Lb.	Lb.	
Making cops of woollen yarn	22	18	16	Do.

TASKS—*cont.*

Description of work	Classification and task			Remarks
	Hard	Medium	Light	
II.—Woollen Industry—cont.				
	Yds.	Yds.	Yds.	
Milling blankets material ..	2	1½	1	Per man.
	Lb.	Lb.	Lb.	
Opening old blanket wool ..	..	½	½	Do.
Teasing old blanket wool ..	10	..	..	Do.
Spinning yarn of old blanket wool.	2	1½	1	Do.
III.—Aloe Industry.				
	Chs.	Chs.	Chs.	
Pounding aloe leaves ..	16	12	8	Per man
				Generally four seers of scraped or pounded unwashed aloe fibre in wet condition produces one seer of good quality dried aloe fibre.
	Seers			
Making aloe twine on charkha	4	(On charkha)	..	7 men.
Making aloe rope on charkha	7½	..	..	Per man.
	Chs.	Chs.	Chs.	
Making thick twine on dhera	16	12	8	Do.
Making thin twine on dhera..	8	6	4	Do.
	Yds. ft. in.	Feet	Feet	
Weaving 2" to 3" aloe niwar	0 12 0	10	8	Do.
Weaving 8" to 9" aloe salita on loom.	0 18 0	14	10	Do.
Weaving 3' tat patties on ground.	0 6 0	4	2	Do.

TASKS—cont.

Description of work	Classification and task			Remarks
	Hard	Medium	Light	
III.—Aloe Industry—cont.				
	Yds. ft. in.	Inches	Inches	
Weaving 2' plain pile rug on punja loom.	0 0 9	9	9	Per man.
Weaving 2' fancy pile rug on punja loom.	0 0 7	7	7	Do.
	S. ft.	S. ft.	S. ft.	
Weaving 1" coir pile rug (thin).	1½	1½	1½	Do.
Weaving 1½" coir pile rug (thick).	2	2	2	Do.
IV.—Dyeing Industry.				
	Thans	Thans	Thans	
Washing cloth thans ..	2	2	..	Per man.
	Reels	Reels	Reels	
Washing yarn reels ..	30	25	15	Do.
	Thans	Thans	Thans	
Dyeing cloth thans ..	2	2	2	Do.
	Reels	Reels	Reels	
Dyeing yarn reels ..	30	30	30	Do.
V.—Tailoring Industry.				
	Tacking by hand	Sewing on machine		
Mattress cases ..	8	16	..	Per man.
Pillow case or cover ..	50	100	..	Do.
Hemming dusters, fine or coarse.	60	180	..	Do.
Prisoners' (male) kurtas ..	15	60	..	Do.
Numbering dusters, 3 letters	20	..	..	Do.
Prisoners' (female) kurtis ..	8	24	..	Do.
Prisoners' jangias or pyjamas	20	45	..	Do.

TASKS—*cont.*

Description of work	Classification and task			Remarks
	Hrd	Medium	Light	
V.—Tailoring Industry— cont.				
	Tacking by hand	Sewing on machine		
Prisoners' caps ..	100	200	..	Per man.
Prisoners' C. O. coats ..	7	14	..	Do.
Prisoners' C. W. chapkans ..	2	6	..	Do.
Prisoners' jail blankets ..	20	60	..	Do.
Prisoners' jail blanket coats ..	8	24	..	Do.
Jail Paid Warders, Forest, Excise and Settlement Department coats.	2	6	..	Do.
Jail Paid Warders, Forest, Excise and Settlement Department shorts.	8	16	..	Do.
Police coats, ordinary ..	5	10	..	Do.
Police coats, railway ..	2	6	..	Do.
Police shorts ..	12	24	..	Do.
Police knickers ..	8	16	..	Do.
Police pugree hemming ..	40	80	..	Do.
Making gaitors, white, blue, or khaki.	20	60	..	Do.
	Hard	Medium	Light	
VI.—Carpenters' Work				
	Nos.	Nos.	Nos.	
Making tent wooden pegs ..	25	20	15	Per man.
Making tent wooden rings ..	2	2	1	Do.
Making tent wooden mallets ..	2	2	1	Do.
Making tent wooden poles ..	1	1	..	Do.
Making tent bamboo poles ..	3	3	2	Do.
Prisoners' wooden tickets ..	25	25	20	Do.
VII.—Blacksmith's Work				
Making tent iron pegs ..	20	15	10	Per man.
Making tent rings and bands ..	10	8	6	Do.
Making tent spikes ..	20	15	10	Do.
Making tent sockets ..	1	1	..	Do.
Making tent hinges ..	1	1	..	Do.
Making conservancy drums ..	$\frac{1}{2}$	$\frac{1}{2}$	..	Two men.
Making dall drums ..	1	1	..	Do.

TASKS—*cont.*

Description of work	Classification and task			Remarks
	Hard Nos.	Medium Nos.	Light Nos.	
<i>VII.—Blacksmith's Work—cont.</i>				
Making dall handa ..	1	1	..	Two men..
Making taslas or thalies ..	10	8	6	Per man.
Making ankle rings ..	15	12	9	Do.
Making bar fetters ..	2	2	..	Do.
Making chain fetters ..	6	6	..	Do.
<i>VIII.—Bamboo Industry</i>				
Making large size bamboo baskets.	1	1	1	Per man.
Making small size bamboo baskets.	3	3	2	Do.
Making bamboo supas ..	2	2	1	Do.
Making bamboo brooms ..	20	15	10	Do.
Making sindi brooms ..	5	4	3	Do.
Making chick kamchies ..	150	100	75	Do.
	Feet	Feet	Feet	
Making plain chicks 4' wide..	3	2	1½	Do.
Making fancy chicks 4' wide..	2	1½	1	Do.
<i>IX.—Cane Industry for Nagpur Jail only.</i>				
Soda water bottle cane carrier for 6 bottles.		4 days ..	Per man.	
Soda water bottle cane carrier for 12 bottles.		5 do. ..	do.	
Cane tiffin basket—first size ..		14 do. ..	do.	
Cane tiffin basket—second size.		11 do. ..	do.	
Government House pattern cane chair.		9 do. ..	do.	
Club pattern chair ..		3 do. ..	do.	
Round cane chair ..		9 do. ..	do.	
Fancy square cane chair ..		14 do. ..	do.	
Fancy round cane chair ..		12 do. ..	do.	
Fancy sofa cane chair ..		15 do. ..	Two men.	
Cane-tray for papers ..		2 do. ..	Per man.	
Caning chair seat ..		2 do. ..	do.	
Caning chair back ..		3 do. ..	do.	
Caning easy-chair ..		5 do. ..	do.	
Waste-paper basket ..		2 do. ..	do.	
Splitting cane ..		4 chh. .. (per day).	do.	

TASKS—cont.

Description of work	Classification and task			Remarks	
	Hard	Medium	Light		
	Seers	Seers	Seers		
X.—Oil Mill Industry					
Pressing seed on Buxar oil mill.	6	..	..	Per man. <i>Pressing seed.</i> —This is done on Buxar oil mills. Three prisoners are employed on one mill doing 18 seers of seed.
Pressing seed on power machine.	18	..	..	Do.
Pressing seed on country oil mill.	6	..	..	Do.
XI.—Grinding and Cleaning Grain.					
Cleaning grain	..	40	30	20	Per man. <i>Cleaning grain.</i> —The reduction in the task means cleaning of grain thoroughly and in a better way, completely removing the dirt and picking out small particles of clay and stones, if any.
Grinding grain	..	20	15	10	Do.
	C. ft.	C. ft.	C. ft.		
XII.—Stone-breaking.					
Gitti-breaking—ordinary size	6	4	2	Per man.	
	Yds.	Yds.	Yds.		
XIII.—Cotton Industry.					
Weaving plain tape or niwar $\frac{1}{2}$ " to 3".	30	25	20	Per man.	
Weaving white or khaki gaitors 4" material.	20	15	12	Do.	

TASKS—cont.

Description of work	Classification and task			Remarks
	Hard	Medium	Light	
	Reels	Reels	Reels	
XIII.—Cotton Industry— cont.				
Weaving blue gaitors 4" material.	16	14	10	Per man.
Weaving fringes 4½" material	12	10	8	Do.
	Reels	Reels	Reels	
Making cops 1/18's or 1/20's for pugrees.	9	8	6	Do.
Making cops 1/8's for bhagree	14	12	10	Do.
Making cops 2/10's for dousti or prison cloth.	16	14	12	Do.
Making cops 3/12's twisted for gaitors or ½" tape.	16	14	12	Do.
Making cops 3/6's twisted for niwar 2" to 3".	16	14	12	Do.
Making cops 4/6's untwisted for durrie looms.	35	30	25	Do.
Opening 4/6's untwisted twine for punja durries.	10	8	6	Do.
Opening 4's for rope or twine.	12	10	6	Do.
	Lb.	Lb.	Lb.	
Opening waste-cotton yarn ..	..	..	½	Do.
Winding yarn bobbins for tana.	12	10	8	Do.
	Nos.	Nos.	Nos.	
Warping yarn tanas for beam	3	3	..	Two men.
Beaming yarn tanas on beam	2	2	..	Do.
Separating yarn ends of a cloth beam.	2	1½	1	Per man.
Drawing yarn ends through heels and reed of a cloth beam.	1	1	1	Two men.
Drawing yarn ends through heels of a durrie beam.	2	2	2	Do.
	Lb.			
Making cotton rope ..	15	(On charka)		By seven men.
Making cotton twine ..	10	Do.		Do.
	Pair	Pair	Pair	
Making cotton ropol soles, ..	½	½	..	Per man.

TASKS—*cont.*

Description of work	Classification and task			Remarks	
	Hard	Medium	Light		
<i>XIII.—Cotton Industry—</i>					
<i>cont.</i>	Capacity.	Inches	Inches	Inches	
	Rs.				Per man.
Making cotton money bags ..	3,000	7	6	5	Do.
Making cotton money bags ..	2,000	8	7	6	Do.
Making cotton money bags ..	1,500	9	8	7	Do.
Making cotton money bags ..	1,000	9	8	7	Do.
Making cotton money bags ..	500	10	9	8	Do.

TASKS—TENT-MAKING

Description of tent	Tacking folds	Time allowed for				Remarks
		Hemming folds				
		By hand	By machine	Stitching and fixing canvas and rope	Number of men	
Days	Days	Days	Days			
Single Pole Tent 16' x 16'	8	70	15	20	Gang of 4 convicts.	
Swiss Cottage Tent 13' x 13'	8	60	15	20	Do.	
Miniature Swiss Cottage Tent.	2	15	3	6	Do.	
Light Field Service Tent 10' x 8'.	2	12	3	6	Do.	
Servants Pal 12' x 12' ..	1	4	1	3	Do.	
Bath Room 6' x 6' ..	1	4	1	1	Do.	
Necessary Tent 4' x 4' ..	1	3	1	1	Do.	
Necessary Tent 6' x 6' ..	1	4	1	1	Do.	

TASKS—QUININE FACTORY

	Lb.	
Working the machine with two juveniles ..	20	} For all.
Filling tablets and directions into tubes ..	400	
Pasting labels on tubes ..	1,000	
Sealing tubes ..	2,000	
Making 10 gr. powder ..	600	

TASK FIXED FOR THE PRISONERS IN THE CENTRAL JAIL PRESS, NAGPUR

COMPOSING DEPARTMENT

		Ens.
Piece Compositors (For beginners)	..	6,500 $\frac{1}{2}$ task. 2nd to 5th month.
Do. do.	..	9,750 $\frac{3}{4}$ task, 1th to 10th month.
Do. do.	..	13,000 Full task from 11th month.
Distributors	..	30,000

PRESS DEPARTMENT

Hand-Presses	..	..	} From 1,400 to 4,000 impressions according to size of presses and physique of prisoners employed.
Machine Presses	..	..
Pin-adjuster	..	..
			Foolscap folio 16 stereos or 16 pages.
Damping paper	..	..	20,000 sheets.

BINDING DEPARTMENT

Leather binding	..	..	10 books (400 pages).
Cloth do.	..	..	12 Do. do.
Do. do. (small)	..	..	25 Do. do.
Sewing (large books)	..	..	20 Do. do.
Do. (small books)	..	..	30 Do. do.
Nathi	..	..	500
Wire-stitching	..	..	4,000 stitches.
Pasting (large forms)	..	..	2,000
Do. (small forms)	..	..	3,000
Envelopes (cutting and pasting)	..	..	150
Ruling	..	..	7,000
Perforating	..	..	10,000
Numbering by machine	..	..	{ 9,000 black. 9,000 red.
Do. by hand	..	..
			{ 7,000 black. 7,200 red.
Examining books	..	..	20,000 pages.
Hot press	..	..	20,000 forms.
Paper counting	..	..	20,000
Wrapping forms (per 100)	..	..	30,000
Stitching parcels	..	..	20 (stock office).
Packing forms	..	..	40 bundles (stock office).

STEREO DEPARTMENT

Matrix	..	{ Large .. Medium .. Small ..	5 6 10
Stereo trimming	..	..	12 plates (foolscap).
Casting plates	..	..	40
Casting rollers	..	..	20

Entries with regard to labour in the history-ticket.

674. On inspection of every newly-admitted prisoner sentenced to labour the Medical Officer shall determine and enter, or cause to be entered, in the prisoner's history-ticket and in the admission register the class of labour, whether "hard", "medium", or "light," the prisoner is physically fit to perform and the prisoner shall not be put to any harder labour until the Medical Officer has passed him as fit for it. The Medical Officer shall from time to time examine all labouring prisoners at their work, and any recommendation that he may make in respect of changing the labour of any prisoner shall be complied with, unless contrary to these rules, in which case the Superintendent shall refer the matter to the Inspector-General for orders. See para. 1135.

Time to be given to acquire skill.

675. Every convict on being first put to do any kind of work shall be allowed a reasonable time in which to acquire the skill necessary for the performance of the prescribed task, and if during this time he shows due diligence and makes satisfactory progress he shall be allowed the remission for industry. The time necessary for working up to a full task will depend upon the nature of the work. At such work as oil-pressing, grinding, breaking metal, yarn reeling or twisting, etc., a few days' experience will be sufficient, and a full task shall then be exacted. In industries needing greater skill, such as weaving, carpet or durrie making, it may be three months before a prisoner can give a full task, according to his intelligence; and care must be taken to make due allowance in estimating a convict's progress for differences of mental and physical capacity. In every case when allotting to a prisoner new work (whether on admission or subsequently) the Superintendent, or, subject to his control, the Deputy Superintendent or Jailer or octagon officer, shall note on the prisoner's history ticket the exact task he is to begin with, and subsequently every increase required, up to the full task. Frequent change of work except on medical grounds should be avoided, but the harder forms of labour, oil-pressing, etc., should not be continued indefinitely without variation, and sedentary work should occasionally be changed for work involving more general movement.

Tasks to be measured or weighed.

676. Whenever the material given to a prisoner to work upon admits of weighment or measurement, the task he is to perform in the course of the day shall be measured or weighed out to him before he commences the work, in order that both the prisoner and the warder in charge of him may see how the work progresses as the day advances. Prisoners on such work as digging, road repairing, weeding, etc., shall have the plot they are to complete measured out for them before they begin work so far as possible.

Work done to be measured and entered daily.

677. Before the prisoners leave their workshops or places of work on stoppage of work in the afternoon, the Jailer or octagon officer shall go round and measure the work done, at the same time carefully noting it in the work-sheets opposite the name of each prisoner. Every prisoner who has done less than the task allotted to him shall be brought before the Superintendent.

678. Jail labour shall be employed in supplying, firstly, jail requirements, and, secondly, the wants of other consuming departments of Government. With a view to encouraging jail industries all departments of Government should purchase the articles manufactured in the local jails, viz., Nagpur, Jubbulpore and Raipur. No purchases should be made from outside firms without obtaining previous sanction of the Provincial Government through the head of the department. Any complaints regarding either price or the quality of articles manufactured by the local jails should be brought to the notice of the Inspector-General of Prisons by the consuming departments of Government.

Purchase of jail-made articles by other departments.

See paras. 362 and 363.

679. The number of industries in a jail must be limited as much as possible, and must be deterrent in their character, specially in District Jails. Large industries shall be concentrated in Central Jails. The main object of prison-labour should be the reformation of the criminal; non-productive labour should be avoided; short-term prisoners must necessarily be employed on unskilled labour while the principal mode of employment for long-term prisoners should be intra-mural. Greater benefit to the prisoner is conferred by giving him the best available instruction in up-to-date methods of labour and so fitting him for free living under modern conditions.

Distribution of industries in jails and labour to be deterrent.

680. Jail labour may be utilized—

- (1) for the preparation of building materials within the jail premises;
- (2) for the construction of large works under the Public Works Department, such works being either within the jail premises or so close to them as to render the provision of separate accommodation for the prisoners unnecessary.

How jail labour may be utilized.

681. The employment of prisoners otherwise beyond the jail premises must be strictly limited to supplying the material for special industries sanctioned by the Inspector-General, except on rare occasions when, with the previous sanction of Government, it is deemed expedient to employ convicts on large works under the Public Works Department, at such a distance from the jails that accommodation on the spot must be provided. No prisoners are to be employed extra-murally on station roads and municipal works, nor shall any prisoner be hired to private individuals for employment outside the jail premises.

Convicts not to be employed on certain works.

682. Jail labour shall be utilized to the fullest possible extent in the erection and repair of all buildings connected with jails. It shall also be used, as far as possible, in the preparation of materials within the jail premises for the Public Works Department, Municipalities, District Boards and private individuals, and on the construction of buildings under the Public Works Department at such a distance from the jail as will admit of the prisoners taking their food at, or receiving it from the jail, and of being similarly supplied with water. When they

Convict labour on jail buildings.

are so employed, care should be taken that they are properly protected from the sun and rain, and that they do not use other than boiled water for drinking purposes.

Employment and payment of extra warders to guard prisoners working extra-murally. Rates for jail labour.

683. For each gang of twenty men employed outside* the jail walls on works other than jail works under the Public Works Department or Local Board, the Superintendent may, if the permanent warder staff is not sufficient, employ an extra warder of the lowest grade, without the previous sanction of the Inspector-General. The Public Works Department, or Local Board, as the case may be, shall pay in cash for extra establishment entertained under this rule, but the Superintendent shall pay the warders employed. See paras. 201 and 411.

Restriction on the employment of prisoners outside jail walls.

684. Every prisoner who has not more than six months of sentence remaining may be employed on extra-mural labour irrespective of the portion of sentence already passed in jail. No prisoner who has more than two years of sentence to run shall be so employed without the sanction of the Inspector-General. No prisoner sentenced to more than six months' imprisonment shall be selected for extra-mural work until he has served at least one-third of his sentence. But no convict shall be employed extra-murally whose previous history or conduct while in jail shows him to be unfit for such employment; whose place of residence is doubtful, or whose home is in an Indian State. Prisoners sentenced under section 224, Indian Penal Code, should on no account be employed extra-murally. This rule applies both to "habitual" and "non-habitual" prisoners, although prisoners of these categories should not be allowed to work together. It also applies to work either on jail land or beyond the jail precincts. No prisoner shall be passed out of the jail for extra-mural work without the sanction of the Superintendent recorded on his history-ticket; and every prisoner so passed, who is not a convict-officer, shall wear an iron ankle ring. See paras. 434 and 761.

Employment of convicts in the garden.

685. Prisoners employed in the garden shall ordinarily be of the non-habitual class with short unexpired sentences, and shall be specially passed for such work by the Superintendent's order recorded on the history-ticket; and no prisoner passed for hard or medium labour shall be put to the lighter form of gardening or agricultural work, which shall be reserved for those passed for light labour or for those specially ordered for such work by the Medical Officer on medical grounds. See para. 301.

No habitual prisoner shall be put to such work except by the Medical Officer's order.

Restriction on the employment of convicts as menial servants.

686. The total number of menial servants employed regularly (*i.e.*, cooks, barbers, water-carriers, sweepers, etc.), shall not exceed 10 per cent of the whole number of prisoners in Central and first or second class District Jails, 12 per cent in

*The principles enunciated by the Indian Jails Committee in Chapter IX of their Report (1919-20) on the subject of extra-mural labour should be observed as far as possible.

third class District Jails and 15 per cent in fourth class District Jails and Subsidiary Jails. When the population is below 50, menial servants up to a maximum of 20 per cent may be employed. The Inspector-General is authorised in special cases to sanction the employment of menial servants in excess of the prescribed scale. The barber shall be a non-habitual prisoner. Sweepers shall be chosen from the *mehtar* or other low castes, if by the custom of the district they perform similar work when free, or from any caste if the prisoner volunteers to do the work; but prisoners of other than low castes who do not perform such work when free shall not be compelled to do it without the previous sanction of the Deputy Commissioner who, if he withholds such sanction, may authorize the employment of paid sweepers to the number absolutely necessary for the work of the jail. Hospital attendants shall be selected from prisoners passed for light work or those who have completed at least half their sentences. Prisoners in the "convalescent and infirm" gang may be put to this duty under the Medical Officers orders. If there is a large number of serious cases in hospital, the proportion of one attendant to 10 patients may be temporarily exceeded; with this exception Superintendents must see that no more than the authorized percentage of prisoners is employed as jail servants or as convict-officers. If any convict employed as a menial servant has not enough work to occupy his whole time, he shall be placed upon some other work for the remainder of his time.

687. Small detachment of the sweeper gang, shall, under the charge of paid warders, visit all the quarters occupied by jail officials, except the Superintendent's house, twice a day; each house shall in turn be cleaned by the gang, which shall then be marched to the next house. No prisoner of these gangs shall be left about a house.

Water-carrier and sweeper gang for officials' quarters.

See Appendix II to this Manual.

688. Otherwise than as specified in paragraph 680 the employment of prisoners by, or on behalf of any private person, or any jail official, on private work, except such as is done inside the jail as an ordinary jail industry, and with the knowledge and permission of the Superintendent is strictly prohibited; and any work done inside the jail shall be charged for at full market value. All officials are prohibited from employing prisoners to take care of animals which do not belong to Government.

No prisoner to be employed on private work or service.

See para. 426.

689. The employment of prisoners as clerks in jail offices is strictly forbidden. But the Inspector-General may, when there is special necessity for it, sanction the employment of an educated prisoner in the copying of letters, preparing of rolls, writing of registers, which have no connection with warrants, remissions, or money transactions. The Jailer will be held responsible for seeing that a prisoner so employed is provided with a place for writing quite apart from the rest of the jail officials and where he cannot have access to any jail books or records. Prisoners employed on clerical work will receive no extra remission, unless they are watchmen, convict-overseers or convict-warders when they will only receive the extra remission laid down for services in those grades—*vide* paragraph 150.

Employment of prisoners as clerks.

No prisoner to be allowed to visit the bazar.

690. The practice of allowing prisoners to go to the bazar on any pretext whatever with or without warders, is strictly prohibited.

Employment of convicts from Andamans.

691. Convicts who have been conditionally released at the Andamans, or who are at the time of transfer acting as petty officers and holders of responsible posts, shall, if it be found necessary to detain them in jail for two months after their arrival in the Central Provinces and Berar, be usually employed as convict-overseers in the jails to which they are sent, and shall be exempted from hard labour, or, if they choose to labour, shall receive pecuniary remuneration according to the value of the work done.

Forms of labour for prisoners in cells

692. Labouring prisoners in separate, cellular or judicial solitary confinement shall be supplied with suitable work according to their capacity. Grain grinding, oakum-picking and bag-sewing are appropriate forms of labour for cells. Pounding aloe fibre and breaking stones are unsuitable. The grindstones should be so placed as to make the prisoner stand upright at his work. The lower stones of the grindstones shall be fixed to masonry pillars or wooden blocks or tables in the cells, the upper stones being removed after the day's work is done.

Employment of simple imprisonment prisoners.

693. Simple imprisonment prisoners shall keep their clothing clean and in good order, and their wards and yards clean, provided they belong to a class of society the members of which would in their own houses perform such duties. They shall not be compelled to do any other work, or to perform any menial duties for others, or to do any work of a degrading character, such as scavenger's work.

Work for simple imprisonment prisoners.

694. Any simple imprisonment prisoner who volunteers to work shall be allowed to choose such work as is available in the jail, and shall be put to such work, provided he is physically fit to perform it, of which the certificate of the Medical Officer shall be obtained on his history-ticket. If he does a reasonable amount of work he shall be supplied with jail diet according to the labouring scale in paragraphs 593 and 609. Should he fail to do so, the Superintendent may punish him by the alteration of his diet from the labouring to the non-labouring scale but in no other way. In case the prisoner wishes to cease working, and to return to his original position, he shall be allowed to do so.

Cf. Section 36, Act IX of 1894.

Exercise for non-labouring prisoners undergoing simple imprisonment

695. Non-labouring prisoners undergoing simple imprisonment shall be compelled to take walking exercise for not more than an hour in the morning and an hour in the evening, if the Superintendent and Medical Officer consider it advisable.

Labour by "A" and "B" class prisoners, etc.

696. Convicted prisoners of the "A" and "B" classes shall be given the kind of labour referred to in paragraph 782. They shall be allowed soap for washing their persons and clothes.

697. Every such prisoner shall take such exercise daily in the open air as the Medical Officer considers necessary and under such regulations as the Superintendent shall prescribe.

Exercise by "A" and "B" class prisoners.

698. Every prisoner placed in the "A" and "B" classes shall, if he so desires and if he is able to read it, be allowed a religious book like the Bible, Koran or Ramayan and if it is possible and if he so desires he may be allowed a copy of the prayer book, if any, commonly used by members of the religious body to which he professes adherence.

Religious books for "A" and "B" class prisoners.

699. The Superintendent shall cause an extract of the rule relating to discipline and conduct, rewards and punishments affecting prisoners to be placed in such cell or ward.

Rules regarding discipline, etc., to be placed in cell or ward.

700. One or more light labour prisoners, according to the size of the jail, shall be kept constantly employed in repairing clothing which should be taken up gang by gang under the supervision of a Head Warder.

Light labour prisoners to be employed in repairing jail clothing.

701. The rules regarding labour shall be applicable to female convicted prisoners, the labour exacted being apportioned according to their strength and ability.

Rules regarding labour to apply to female prisoners.

702. Female prisoners shall not be allowed to cook for themselves. Cooked food shall be brought to them by a convict-cook, accompanied by the warder in charge, and shall be placed outside the enclosure gate. The menial duties connected with the female wards shall, if possible, be carried out by the female prisoners themselves and all refuse matter, etc., shall be placed at stated times outside the enclosure to be carried away by male convicts. If there are no female prisoners of suitable caste for conservancy work, two or three specially selected male convict *mehtars* may be taken into the enclosure by a paid warder under the conditions prescribed in paragraph 1088, but shall be kept together and shall not be allowed to go out of the warder's sight or to hold any communication with the females.

Employment of female prisoners.

703. Under-trial prisoners shall be subjected to as little interference as possible, but cleanliness of person and clothing shall be rigidly insisted on, and proper provision shall be made for ablution. They shall not be compelled to work except that they shall keep their wards, yards and bedding clean, if accustomed to do so in their own houses, but shall not be required to perform duties of a degrading character. Should any under-trial prisoner desire to work, the Superintendent should give him such light labour as he has available but there should be no task and no obligation for the prisoner to do any portion of it nor should the prisoner expect payment for such work. He shall however not be employed on making articles for jail consumption. In no case should under-trials be employed outside their yard.

Work for under-trial prisoners.

SECTION II.—INSTRUCTION

704. Jail Superintendent shall see that convicts are instructed in some suitable handicraft in order to help them to earn their livelihood after release.

All adolescent prisoners confined in the Narsinghpur Borstal Institution shall go through the course of instructions laid down for such convicts in that institution.

Prisoners coming into jail with a knowledge of certain handicrafts shall be kept at those handicrafts as far as possible.

The Inspector-General of Prisons may from time to time prescribe the courses of instruction which prisoners shall be required to undergo.

Religious
ministration.

705. On the application of a prisoner, a known minister of his own persuasion as declared by the prisoner at the time of his admission to the jail, may be admitted to the jail for religious ministration to such prisoner, on special festivals and any Sunday, or any one appointed day of the week, provided that—

- (1) The Superintendent may refuse to admit any minister whose admission he considers inconsistent with the maintenance of discipline in the jail.
- (2) The religious ministration shall be subject to such conditions as to time, place, duration, etc., as the Superintendent considers necessary, but a separate room or place not accessible to other prisoners shall, if possible, be provided.

On other days than those specified above, a minister shall have access to a prisoner of his persuasion only if he is dangerously ill or under sentence of death, and desires to see a minister. On such desire being expressed, the Superintendent shall, if possible, arrange for a minister of the prisoner's persuasion to visit him.

No minister should be allowed to have access to any prisoner who does not belong to his own denomination unless the prisoner voluntarily and spontaneously expresses a wish to see such a minister, in which case the matter should be reported to the Inspector-General of Prisons for orders. [C. P. Govt., No. 280-282-V-1a), dated the 11th May 1936.]

SECTION III.—GENERAL CONTROL

Removal
from wards,
lock-up.
Strict disci-
pline by day
and night.

706. (1) Prisoners, other than those who may at any time be lawfully confined in cells by way of punishment, shall be removed from their sleeping wards, cells and other compartments, as soon after daybreak as possible. They shall be replaced in their proper sleeping wards and locked up for the night before sunset.

(2) Prisoners shall be kept and shall remain under strict order, discipline and control both by day and night.

Movements
how to be
conducted.

707. All movements of prisoners shall be conducted in an orderly and regular manner under strict control.

708. The Inspector-General may, in his discretion, from time to time, issue detailed directions as to the manner in which the order, discipline and control, prescribed in the preceding rules, are to be maintained.

Power of Inspector-General to issue directions.

709. Every prisoner shall obey every lawful order issued to him by any officer of the jail or convict-officer of superior rank.

Every prisoner to obey lawful orders.

710. The barracks and cells shall ordinarily be unlocked at dawn throughout the year, as soon as it is possible to see the movements of the prisoners distinctly outside the barracks. But the Medical Officer is allowed discretion in delaying the opening of the barracks in the cold weather for all prisoners or for infirm and special gangs. Twenty minutes before the opening of the barracks the rising bell or gong shall be sounded, and the convict-overseers and watchmen shall then rouse the prisoners and make them shake out and fold up the blanket or blankets (according to the season) and gunny bedding neatly, so as to show the blanket or blankets in even folds to the front, surrounded by the gunny bedding folded longitudinally. The overseer shall be responsible that the bedding is properly folded and arranged in line on the beds. Having done this the prisoners shall sit in pairs in file down the centre of the barrack, the leading pair at the gate, until the Jailer or Head Warder comes to open the barrack. At the same time the overseers will ascertain if any prisoners are sick or require medical treatment and wish to see the medical subordinate or have used the night latrine. All these shall be placed at the rear of the file.

Routine to be followed on unlocking barracks and cells.

See para. 439 (h).

711. Whenever prisoners are marched from one part of the jail to another, or are sitting or standing in gangs, except when actually taking meals or at work, or when paraded for inspection, they shall be arranged in files of pairs, and shall rise, move forward, stop or sit down at the word of command or signal. This method shall be followed in carrying out the parades prescribed in the following paragraphs. At these parades the signal shall usually be the stroke of a bell or gong. At Central Jails the parades can be carried out simultaneously in all divisions by signal from the central tower or some central place. Whenever the Jailer or any officer of superior rank to him visits or passes a gang of prisoners, the prisoners shall obey the word of command as follows:—

Prisoners to be moved in files and to salute on word of command.

“Ek”.—To stop work or marching, if so engaged, and stand at attention.

“Do”.—To resume work, continue marching, or sit.

The command will be given by the officer in charge of the gang.

C. P. & Berar Govt., Jail Dept. memo. No. 318-297-III d. 6-6-39.

For “A” and “B” class prisoners and special class under trials the corresponding words of command shall be “Attention” and “As you were”.

Latrine
parade on
unlocking
barracks.

712. After the barracks have been opened and the prisoners counted out they shall be marched to the latrine and be made to sit in file at a short distance therefrom, whilst those who wish to do so are allowed to visit the latrine in turn. During this parade those prisoners who wish to see the Medical Subordinate, or need outdoor treatment shall be made to sit a little apart from the rest, and shall be inspected by the Medical Subordinate, who shall see that they get such treatment as is necessary, but if any prisoner appears to be seriously ill he shall be sent to the Medical Subordinate at once.

Time to be
allowed in
the latrine.

713. At all latrine parades every prisoner shall be allowed to remain at least five minutes in the latrine, and longer if absolutely necessary. Each latrine parade ought not to occupy more than half an hour; every latrine should therefore contain compartments in the proportion of 1 to 6 of the number of prisoners to use it, and the washing place contiguous to each latrine should have one compartment to every four latrine seats. The latrine parades should be carefully regulated by the warder in charge, who should allow only so many prisoners to go at a time as there are vacant compartments. See para. 211.

The parade
to be regu-
lated by the
warder.

714. On completion of the latrine parade the prisoners shall be marched to the bathing-platform and there wash their faces and hands. From the bathing-platform the prisoners shall be marched to the spot where their distribution into working gangs is to take place, they shall then sit down, and the early morning meal shall be distributed to them. At this time the Jailer or octagon officer shall arrange any alterations of the gangs that may be necessary, noting any change of work he may order in the prisoners' history-tickets or causing such entries to be made under his initials, and having the alterations entered in the gang books. See paras. 381, 986 and 1152.

Arrangement
of working
gangs.

715. On completion of the early morning meal the prisoners shall be arranged in their working gangs according to the gang rolls. Each gang shall be made over to its responsible officer, the rolls shall be called, and the gangs shall be marched to their working places. See para. 986 (g).

Arrangement
of spare
clothing at
work.

716. Every prisoner shall at all times carry his complete kit (except bedding and blankets not in use) with him. At the working places each prisoner's clothing not in use shall be carefully folded and arranged in line with that of others, blanket coat below, the other articles above. If the prisoners are allowed to use a blanket to protect them from the cold during morning parades or at their work, they shall likewise each carry this blanket with them. In front of each pile of clothing shall be placed the prisoner's iron plate, cup and brass tumbler which must at all times be clean and bright. The Head Warder or paid warders or convict-officers under him, as may be directed by the Superintendent, shall be held responsible for any articles, except the bedding and blankets not in use, found in the wards after the prisoners have left them.

717. Where a workshed is enclosed and provided with a gate, the gate shall be kept locked after prisoners have entered and the key of the gate shall be kept by the officer in charge of the yard. Prisoners to be locked in workshed.

See para.
119 (16).

718. A urinal shall be placed in each workshed or other place where prisoners work, and prisoners shall only be allowed to use the latrine out of hours when there is actual necessity for it. Every prisoner who uses the latrine out of hours shall be reported to the Medical Subordinate. A prisoner going frequently to the latrine out of hours may either be placed under medical observation in a segregation ward or cell, subject to such diet as the Medical Officer may direct for such cases, or, if there is good cause to believe that the prisoner has visited the latrine unnecessarily, the irregularity may be treated as a jail offence. In the case of newly-convicted prisoners some latitude should be allowed in the enforcement of this rule. Access to urinal and latrine at all hours.

See para.
672.

719. At 10-30 a.m., work shall be stopped and the prisoners shall be marched to the latrines and bathing-platforms, the mid-day parades being conducted in precisely the same manner as the early morning parades, except that the prisoners should at this parade bathe the whole person. After the midday parade the prisoners' rations shall be distributed, and the warder on duty will enquire whether there are any complaints regarding the food; should any complaints be made, they will at once be brought to the notice of the Jailer. From the feeding parade the prisoners shall be marched to the bathing-platforms to wash their hands and clean their plates and brass tumblers. At the end of the platforms a tub should be placed in which all the uneaten food is thrown as the prisoners march past it. The convicts shall then either return to their work or be locked up in their barracks for the midday rest according to the season of the year (see paragraph 672, clause 2). Routine to be followed at midday bathing and food parades

720. When the bell or gong is sounded for resuming work in the afternoon the gangs shall be marched to their work-places, shall deposit their clothes, plates, cups and brass tumblers as described above, shall resume work, and continue working until the evening bell rings for the cessation of work. The gangs shall then stop work, take up their clothing, etc., and march to their respective wards or appointed place where they shall be counted and the number compared with the gang books. They shall then perform the feeding, washing, and latrine parades under the same regulations as prescribed for the mid-day parades, except that unless specially ordered to do so, the prisoners shall only wash their faces and hands instead of bathing entirely, but in cases where prisoners are put to exceptionally dirty work, such as carrying earth, in the hot weather, cleaning wool, etc., certain gangs may be allowed to bathe entirely at the evening parade by a written order from the Superintendent. If necessary, the gangs shall then be broken up and the prisoners shall be arranged according to their location in the sleeping barracks, but as far Resumption of work after mid-day rest.

as possible, prisoners who work together shall sleep together. They shall then be marched to their barrack gates and sit in file there until counted in and locked-up.

Procedure
after the
day's
work.

721. All prisoners working in gangs outside the jail shall be brought inside and be made to take part in the different parades. The bathing and feeding of prisoners outside the jail is prohibited except under the written order of the Superintendent.

Provision of
a night
latrine for
each ward.

722. A night latrine shall be provided for each ward, and shall be screened off for purposes of decency. Prisoners shall use the night latrine for defecation only when actually necessary, and, as a rule, it should only be used in cases of sickness. Any prisoner who uses the latrine at night shall be reported by the watchman and dealt with as ordered in paragraph 718. If he is found to be sick, he shall immediately be placed under medical observation separate from other patients.

Prisoners to
observe strict
silence and
not to leave
their beds.

723. Strict silence shall be maintained at all times except when any enquiry or instructions relating to work are necessary. All talking, singing, or quarrelling in the wards at night is prohibited. No prisoner shall be allowed to leave his bed for any purpose without first obtaining the permission of the watchman. No prisoner shall sit or lie on any other prisoner's bed.

Exception.—Prisoners undergoing simple imprisonment will be allowed to converse together in their ward or place in a quiet and orderly manner except at parades, at exercise time and at night.

Superinten-
dent and
Jailer to
hold weekly
parades.

724. The Superintendent shall hold a parade of all the prisoners on one morning in the week, Monday morning if possible being selected, when all prisoners will have the opportunity of making any complaint to him. The Jailer, at a parade to be held on Sunday, shall inspect the clothing of all the prisoners and see that it is properly washed, etc. In the winter months, this parade may be held in the open air in the sun, but in the hot weather and rainy season, the prisoners shall be paraded under shelter. At the Superintendent's parade the prisoners shall be arranged in line, each class in its own division. Before each prisoner shall be spread in neat order his tat bed, blankets, blanket coat and spare clothing, brass tumbler, cup, plate and history-ticket. All prisoners losing weight shall be paraded separately for the inspection of the Superintendent and Medical Officer. On arrival of the Superintendent at the word of command all prisoners shall stand up and take up the history-ticket which shall be held in the left hand by convict-officers and in the right hand by other prisoners. The Superintendent shall then pass down in line, listen to complaints and requests of every description and pass orders thereon; satisfy himself that remissions have been duly awarded and communicated to the prisoners, and that the prisoners know what remission they have earned; see that the classification rules are carried out; note that history-tickets are supplied to all prisoners and written up; that weighments have been duly made and recorded on the tickets; that the weighments are carefully considered by his subordinates in the distribution of labour, and that prisoners losing weight are

See para.
671.

duly set apart for medical inspection; see that prisoners' clothing, bedding and kit are provided in full and are clean and in good order, properly marked with prisoners numbers, and that the prisoners are cleanly in person; and pick out any sickly-looking prisoners who he thinks should be brought to the Medical Officer's notice (or if he is a Medical Officer, that he thinks should be placed under observation). In Central Jails where the numbers are large, and where it is not possible to hold this parade of all the prisoners at one time, half of the prisoners shall be paraded one week, and the other half the following week. Convict-officers shall be paraded separately from ordinary prisoners. Petitions regarding the removal of fetters, letter-writing, etc., should as a rule be made at the Superintendent's parade.

C. P. Govt.,
Jail Dept.,
letter No.
585-535-V-
(a), d. 25-11-30.

725. At the weekly parade held by the Superintendent under paragraph 724, female prisoners shall be paraded with bare head and hair flowing. Parade of female prisoners.

726. No prisoner shall leave his work or his line to make any representation to the Superintendent or Jailer. The Jailer or octagon officer shall at least once in the day visit all the prisoners and give them the opportunity of making representations and complaints on any urgent matter, such as appealing, assault or ill-treatment. Any prisoner wishing to appeal or making such a complaint shall be brought by the Jailer or octagon officer before the Superintendent, but minor complaints and petitions should as a rule await the Superintendent's general parade. In District Jails, Superintendents shall see each prisoner every day, and in Central Jails once every two days. Prisoners not to leave their places to make complaints.

C. P. Govt.,
Jail Dept.,
letter No. 78-
594-V (a), d.
15-2-29.

727. If a prisoner desires to file a criminal complaint against a person outside the jail, his statement or petition shall be received by the Superintendent and forwarded to the District Magistrate concerned for necessary action. The prisoner shall be allowed facilities for the purpose in accordance with the rules contained in paragraphs 888 to 932 in so far as they may be applicable. He cannot, however, be permitted to attend the court unless an order for his attendance has been received by the Superintendent.

728. Prisoners are bound— Prisoners to be instructed what to do and what to avoid.

- (a) to obey the orders of all jail officers;
- (b) to remain strictly with their gangs and within the part of the jail in which they are confined, unless ordered by proper authority to leave it; to keep in file when not at work, and to strictly carry out the regular parades;
- (c) to abstain from talking when at file or at unlocking or at latrine, bathing or other parades, or at any time when ordered by an officer of the prison to desist; also to abstain from abuse, singing, quarrelling, loud laughing, loud talking and indecent behaviour at any time;

- (d) to hold no communication with outsiders, female, civil, or under-trial prisoners or prisoners of a different class from their own; and to hold no communication with the guards beyond what is absolutely necessary;
- (e) not to smoke or receive or possess implements for smoking, or tobacco (except when authorised); not to receive or possess ganja or other drugs or money or jewellery, any article of food or clothing prohibited by the jail rules; or books, papers, or writing materials of any description unless specially authorised by the Superintendent or Jailer, or rope or any knife, or other implement (except in working hours, and when the implement is required for their work), and, when they find any of these articles or know of any other prisoner having any such article, to report the matter to the Jailer or warder;
- (f) to report any plot or conspiracy, and any attempt to escape or preparation for an escape, or for an attack upon any prisoner or jail official;
- (g) to help the jail officers in case of any attack upon them;
- (h) to keep their clothes, blankets, bedding, history-tickets, fetters, brass tumblers and iron cups, clean and in proper order;
- (i) to keep their persons clean;
- (j) to perform their allotted tasks willingly and carefully and to take proper care of any property of Government entrusted to them for the purpose;
- (k) to be orderly in their behaviour; to march two and two when they move about the jail, and when addressing or addressed by a jail officer or visitor to stand at attention with their hands down, to salute when ordered;
- (l) not to remove provisions from the cook-room or feeding platforms without authority, or conceal any article of food in the wards or cells;
- (m) not to remove any unconsumed food from the place where the meal is taken;
- (n) to keep to the bed, the ward, the yard, and the seat at meals or at work which have been assigned to them;
- (o) not to loiter about the yards or in the wards after the doors have been opened, or bathe or visit the latrine out of hours;
- (p) not to commit any nuisance or make water in any part of the jail which has not been assigned for that purpose, or to dirty or injure any part of the jail or any article in the jail in any way;

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Govt., Jail
Dept., Memo.
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III, d. 13-5-
39.

- (q) to show respect to all officers; not to strike, assault, or threaten any officer or prisoner;
- (r) not to gamble or barter or play any game (unless specially permitted by Superintendent of Jail) within the jail; nor keep animals, birds, or other pets;
- (s) to wear the clothing given to them, and not to exchange it or any part of their jail kit for that of any other prisoner.

Disobedience to the above or any jail rules or of any lawful order will subject the offender to punishment.

NOTE.—All privileges such as interviews, letters, facilities for reading, etc., are contingent on good behaviour in jail and the Superintendent of Jail is empowered to withdraw or postpone individual privileges for unsatisfactory conduct on the part of any prisoner.

729. Civil prisoners must be properly dressed when leaving their rooms or wards during the day; they must stand up when any inspecting officer or authorized visitor visits the civil ward, must answer any questions put to them by such officers or visitors in the discharge of their duty and otherwise treat them with respect and they must comply with the regulations of the jail and the Superintendent's order. Civil prisoners how to behave.

730. All prisoners shall wash their own clothing at the bathing parade on the day preceding the Superintendent's weekly parade. For this purpose in each division of the jail at the bathing platform a tub shall be placed filled with a solution of alkaline earth (*saji matti*) of sufficient strength. Into this solution each prisoner as he passes in file shall dip his clothes so as to saturate them. Dry *saji matti* shall not be given to the prisoner. The blankets, coats and bedding shall be boiled and washed once in three months, and the hospital clothing and bedding at short intervals by a gang of sweepers specially set apart for this work and when possible in the outer grounds of the jail, where a boiler may be erected and platform made for the purpose. Instructions about washing of clothes).

731. The daily routine prescribed in the foregoing rules shall be observed also on Sundays, New Year's Day, Til Sankrant, Holi, Ramnaumi, Good Friday, Id-ul-Fitr, Id-uz-Zoha, Moharrum (2 days, 8th and 10th), Janmashtami, Dasehra, Devali (2 days, 1st and 3rd day), Christmas Day and Birthday of the Emperor, except that no prisoner shall be required to work on those days otherwise than in performing menial offices and other necessary work, including cleaning up and tidying the jail premises. The prisoners shall on Sunday be allowed to take exercise in the yards in gangs till 10 a.m. and again for an hour before the evening parades. In the intermediate time they shall sit down in file either in their wards, or, if the weather be cool enough, in the yards. Jews shall not be compelled to work on Saturdays. Routine to be observed on holidays.

Garden or
brickfield to
be enclosed
by a thick
hedge.

732. A jail garden or permanent brickfield shall always be enclosed either by a thick hedge, preferably of aloes or cactus, planted on several rows on a bank with a ditch on either side, or a mud wall protected by tiles, so that the prisoners may not be able to see outsiders or be seen by them. No gaps should be allowed, and the hedge or wall should be impassable to thieves or cattle. The number of openings should be strictly limited to those absolutely necessary for purposes of ingress and egress, and should be provided with efficient gates or doors.

SECTION IV.—HAIR-CUTTING

Rules regard-
ing the cut-
ting of hair
and excep-
tions.

733. (i) All male criminals (other than convict-officers) sentenced to rigorous imprisonment for any period exceeding one month shall, on the final confirmation of the sentence, or on the expiration of the period of appeal without an appeal being preferred, have their hair cropped short, and the operation shall be repeated on alternate Sundays by prisoners set apart for the duty, who shall not however be excused from other labour on week days, if under sentence of rigorous imprisonment. The Hindus will retain the *chutiah* of a reasonable length. The beards and moustaches of all prisoners shall be trimmed, the beard of Muhammadans being left an inch in length. All prisoners to whom this proceeding would be justly offensive or degrading shall, at the discretion of the Superintendent, be exempt from it.

NOTE.—The short cropping of hair referred to in this rule shall be optional except on medical ground.

(ii) "A" and "B" class prisoners will have their hair cropped and moustaches trimmed like "C" class prisoners and when they do not wear beards and whiskers, they shall be shaved by a selected "C" class prisoner, or, if a suitable "C" class prisoner is not available, they may be shaved at suitable intervals by an outside barber selected by the Superintendent of the Jail, provided that, at the discretion of the Superintendent, any such prisoner may be permitted to keep a safety razor and other shaving materials at his own expense.

(iii) The hair of female prisoners shall not be cut.

NOTE.—A small quantity of oil ($\frac{1}{4}$ chhatak) may be issued every Sunday to each female prisoner for the hair or for unction, and a comb shall form part of every female prisoner's outfit. The matron or Jailer will see that the oil is not used for other purposes. Looking glasses (size 1' x 8") shall be supplied one to each occupied female barrack (not cells) in every jail.

(iv) Prisoners sentenced to simple imprisonment shall be exempt from having their hair or beard cut or shaved.

(v) Under-trial prisoners shall not be allowed to cut their hair or in any way to alter their personal appearance so as to make it difficult to recognize them provided that prisoners who have been more than a month in Jail may, if they desire it have them cut to the length it was when they were admitted.

(vi) Convict watchmen and convict overseers are exempt from having their heads shaved and beards trimmed.

(vii) The hair, beard, whiskers, and moustaches of all prisoners shall, if they desire it, be allowed to remain uncut during the last month of imprisonment.

Proviso.—If on account of vermin, dirt or any disease the Medical Officer deems it necessary to cut the hair or shave the head of any prisoner, this shall be done on his written order entered in the prisoner's history-ticket.

SECTION V.—CONTROL IN MATTERS AFFECTING CASTE OR RELIGION

734. Sikh prisoners will be allowed the following concessions :—

Concession
to Sikh
prisoners.

- (1) To keep the hair long (*kes*).
- (2) To keep the comb (*kanga*).
- (3) To retain the iron bangle (*kara*).
- (4) To wear short-drawers (*kachh*) instead of *jangias*; the *kachh*, if possible, to reach to the knees.
- (5) A miniature dagger (*kirpan*) made of steel, one inch in length, may be supplied by the jail authorities to every Sikh prisoner who wishes to wear a *kirpan*.
- (6) They may be allowed to wear a pagri instead of the *kan-topi* (length of pagri to be decided by the Jail Superintendent).
- (7) Every Sikh prisoner should be supplied once a week with oil and soap or soap-nut, whichever he prefers for his hair.
- (8) *Jhatka* meat should, whenever possible, be provided for Sikh prisoners requiring meat.

735. Interference with the religion or caste prejudices of prisoners is prohibited and in case of complaints of interference the Superintendent will take means to ascertain whether the complaints are well founded or not. No relaxation of the working rules shall be allowed, but prisoners shall be permitted to perform their devotions at suitable times and in suitable places as may be authorized by the Superintendent.

Interference
with matters
affecting reli-
gion or caste
prohibited.

736. Following are the rules on the subject of religious observances by prisoners in jails :—

Rules regard-
ing religious
observances.

- (a) All Muhammadan prisoners shall be allowed to retain their hair and beards as laid down in paragraph 733 above. ,
- (b) All Muhammadan prisoners shall be allowed to say their prayers five times a day and at special times on Fridays and on important festivals. They shall also be permitted to keep the fast of *Ramzan* if the Medical Officer considers they are physically fit to do so. Those prisoners who keep the fast shall be given their full day's supply of rations at sundown which they shall be permitted to take into their sleeping barracks with them.

- (c) Any Muhammadan prisoner shall be allowed to retain in his possession the *Koran* or any other religious book he desires.
- (d) Every Muhammadan shall be provided with the special type of pants sanctioned for such prisoners.
- (e) The hair and moustaches of all Hindu prisoners shall be dealt with as laid down in paragraph 727 above, more especially with reference to the retention of the *chutiah*.
- (f) All Hindu prisoners, whose custom it is to wear the sacred thread, shall be allowed to retain it. In cases in which the thread has been removed before arrival in jail, a new one should be provided at Government expense if the prisoner is unable to purchase one for himself. A Hindu Head Warder or Warder shall be detailed to make the necessary purchases.
- (g) All Hindu prisoners shall be permitted to say their prayers as often as is necessary and may observe important fast days.
- (h) Every Hindu prisoner shall be permitted to retain in his possession the *Ramayan* or any other religious books he requires.
- (i) All Sikh prisoners shall be dealt with according to paragraph 734 above, and will be given the same religious facilities as are allowed to the other classes of prisoners.
- (j) Superintendents of Jails will make the most convenient arrangements they can for Christian prisoners to follow their religious observances.
- (k) It must be thoroughly understood that the observance of religious customs is not to interfere in any way with the carrying on of the jail work or the completion of the task allotted to the prisoners.

CHAPTER XII

PROHIBITED ARTICLES

Rules under section 59 (13) of the Prisons Act for defining articles the introduction or removal of which into or out of prisons without due authority is prohibited

See paras.
455 (2), 483
and 439.

737. Under section 59 (13) and (27) of the Act the following are declared to be prohibited articles, within the meaning of section 42 and clause (12) of section 45 of the Prisons Act, the introduction or removal, or attempted introduction or removal, of which into or out of any prison, and the supply, or attempted supply of which, to any prisoner outside the limits of a prison, without due authority, are prohibited :—

Prohibited
articles
defined and
punishment
for introduc-
tion thereof.

- (1) Alcohol or spirituous liquors of any kind.
- (2) Materials for smoking, chewing or snuffing, such as tobacco, pipes, *chilums*, etc.
- (3) Ganja, opium, or any other drug or poisonous article.
- (4) Poisonous materials, materials for making fire, or materials which would cause disfiguration.
- (5) Money, currency notes, valuable securities, jewellery or ornaments of any kind.
- (6) Books, printed matter, letters or writing materials of any kind not authorized by the Superintendent.
- (7) Knives, arms, ropes, strings, bamboos, ladders, sticks, any article likely to facilitate escape or implements of any kind, except those issued for use in the performance of work, and those excepted only during work hours, and at such places as they are required for jail work.
- (8) Any article which has not been issued for the use of prisoners from the jail stores and supplies.

NOTE.—The above list of prohibited articles applies to undertrials and civil prisoners.

Exceptions.—(a) Undertrial prisoners may, at their own expense, be permitted the use of a reasonable quantity of cigarettes or tobacco under the strict condition that they do not give any away.

(b) Civil prisoners may be allowed to smoke.

See para.
1194.

(c) Prisoners who have behaved well may, out of their earnings in jail, be permitted to smoke or chew tobacco, subject to such rules as may be made by the Inspector-General. 'A' and 'B' class prisoners may, at their own expense, be allowed to smoke or chew tobacco.

(d) Female prisoners may be allowed to have *supari* (betel-nuts) out of their jail earnings if they so desire.

738. The Superintendent shall affix outside the jail in a conspicuous place a notice setting forth the acts prohibited under section 42 of Act IX of 1894 and the penalties incurred by their commission.

Publication
of penalties.

Further rule
defining and
regulating
prohibited
articles.

739. Every article, of whatever description, shall be deemed to be a prohibited article within the meaning of section 42 and clause (12) of section 45 of the Prisons Act, in the case of—

(1) *A prisoner*—if introduced into or removed from any jail, or received, possessed or transferred by such prisoner, and such article has—

- (a) not been issued for his personal use from jail stores or supplies, under proper authority;
- (b) been so issued, is possessed or used at a time or place other than such as is authorized; or
- (c) not been placed in his possession for introduction, removal or use, as the case may be, by proper authority.

(2) *A Jail official*—if introduced into or removed from any jail, or supplied to any prisoner, and such article—

- (a) has not been issued or sanctioned, for his personal use by proper authority;
- (b) is not an article of clothing necessary for his personal wear; or
- (c) has not been placed in his possession by proper authority for introduction into or removal from the jail or for the purpose of being supplied to any prisoner.

(3) *A visitor*—if introduced into or removed from any jail, or supplied to any prisoner, and such article—

- (a) is not required for his personal use while within the jail and has not been declared by him before entering the jail, and the introduction into or removal from the jail, or possession of which while in the jail, has not been permitted by proper authority;
- (b) is introduced, with or without authority, and is not retained in his possession until he has left the jail premises; or
- (c) comes into his possession while within the jail, and is subsequently removed by him from the jail.

(4) *Any other person*—if introduced into or removed from the jail, or supplied to any prisoner, whether within or without the jail.

CHAPTER XIII

CONFINEMENT IN FETTERS OF
TRANSPORTATION PRISONERS

Rules under section 59 (16) of the Prisons Act for regulating the confinement in fetters of prisoners sentenced to transportation

See para.
118.

740. Under section 57 (1) of the Prisons Act, IX of 1894, transportation prisoners may be confined in fetters for three months from the date of admission to jail; ordinarily after admission to a Central Jail safe custody fetters will be removed. They will not in any case be imposed in a Central Jail for a longer period than one month without the special sanction of the Inspector-General. As such prisoners will be detained in District and Subsidiary Jails for only short periods, it will not usually be necessary to keep them in fetters for so long as three months. Fetters intended for the security of these prisoners must be of the sanctioned weights mentioned in paragraph 118.

Confinement
in fetters of
prisoners
sentenced to
transporta-
tion.

NOTE.—The Raipur District Jail shall be considered as a Central Jail for the purpose of this rule.

CHAPTER XIV

CLASSIFICATION AND SEPARATION OF PRISONERS

C. P. Govt.
Jail Dept.,
letter
No. 543-
408-V (a),
d. 5-11-30.

Rules under section 59 (17) of the Prisons Act for the
classification and separation of prisoners

SECTION I.—CLASSIFICATION AND SEPARATION OF PRISONERS

741. Under-trial prisoners shall be divided into two classes: (1) special class, and (2) ordinary class.

742. Convicted criminal prisoners shall be divided into three classes: (1) class "A", (2) class "B" and (3) class "C".

743. The trying Court, subject to the approval of the District Magistrate, may admit to the special class an under-trial prisoner who, in his opinion, has by social status, education or habit of life been accustomed to a superior mode of living.

744. (a) The High Court of Judicature, Sessions Judges, Additional Sessions Judges and District Magistrates may, in accordance with rules 746 and 747, make a recommendation to the Provincial Government for the admission either to class "A" or class "B" of a convicted criminal prisoner, including a prisoner who has been required to execute a bond to keep the peace or to be of good behaviour who is an accused either in an original case or in an appeal or in a revision before them.

(b) Other Magistrates may make such a recommendation through the District Magistrate, who shall forward it to the Provincial Government with his opinion.

(c) The District Magistrate may make a recommendation in any case when a Magistrate subordinate to him has not done so, if he considers that a recommendation should be made.

745. Trying Courts will, in the jail warrant, describe prisoners under the classification which they have recommended. This classification shall be observed by the jail authorities unless altered by the Provincial Government: provided that in the case of prisoners convicted by a Court subordinate to the District Magistrate, the District Magistrate shall have authority to instruct the jail authorities to observe the classification recommended by him pending the decision of the Provincial Government.

746. A convicted criminal prisoner may be recommended for class "A" if—

- (a) he is non-habitual prisoner of good character; and
- (b) he, by social status, education and habit of life, has been accustomed to a superior mode of living; and
- (c) he has not been convicted of—
 - (1) an offence involving elements of cruelty, moral degradation or personal greed;
 - (2) serious or premeditated violence;
 - (3) a serious offence against property;

- (4) an offence relating to the possession of explosives, firearms or other dangerous weapons with the object of committing an offence or of enabling an offence to be committed;
- (5) abetment or incitement of offences falling within the above sub-clauses.

747. A convicted criminal prisoner may be recommended for class "B" if by social status, education or habit of life he has been accustomed to a superior mode of living, irrespective of the offence committed. The classifying Court may recommend for class "B" a habitual prisoner also, if, in its opinion, the character and antecedents of the prisoner justify it.

748. Class "C" will consist of prisoners who are not classified in classes "A" and "B".

749. In every jail, prisoners of each of the following categories shall be kept separate from those of the other categories :—

- (1) Civil prisoners.
- (2) Under-trial prisoners.
- (3) Female prisoners.
- (4) Male prisoners under 18 years of age who have arrived at the age of puberty.
- (5) Male prisoners who have not arrived at the age of puberty.
- (6) Other male "habitual" prisoners.
- (7) Other male "non-habitual" prisoners.
- (8) "Star" class prisoners.
- (9) "A" and "B" class prisoners.

750. Prisoners of the "A" or "B" class who are accustomed to the western mode of living shall have separate accommodation from prisoners accustomed to the eastern mode of living. See para. 231.

Separation of prisoners sentenced to simple imprisonment.

751. Prisoners sentenced to simple imprisonment shall remain during the day time in the part of the jail assigned to them, and shall not enter the labour yards or communicate with the labouring prisoners unless they elect to work, in which case they must remain with the gang to which allotted.

Seclusion of female prisoners from male prisoners, etc.

752. Female prisoners shall be rigidly secluded from the male prisoners, and the under-trial women shall be kept apart from the convicts. (See paragraphs 741 and 758.) As far as possible, female adolescents must be kept away from older prisoners, habituals from non-habituals, and prostitutes and procurers from women who have hitherto lived a respectable life. The female ward shall be so situated as not to be overlooked by any part of the male jail; and there shall be a separate hospital for sick female prisoners within or directly adjoining the female enclosure.

Female prisoners under sentence of death to be kept in female yard.

753. Female prisoners under sentence of death shall be kept in the female yard and guarded by female warders.

754. Youthful offenders shall be divided into two classes namely, juveniles, or boys below 15 years of age, and juvenile adults, or youths of 15 to 21 years of age.

Classification of youthful offenders.

755. Juvenile and juvenile adults, when confined either as under-trials or after conviction, shall at all times be kept apart from adult prisoners and juveniles shall invariably sleep apart from juvenile adult prisoners.

Juvenile and juvenile adults to be kept apart from adult prisoners and juveniles from juvenile adults.

756. Every prisoner sentenced to death shall from the date of his sentence, and without waiting for the sentence to be confirmed by the High Court, be confined in some place, a cell if possible within the jail, apart from all other prisoners.

Confinement in cell of prisoner sentenced to death.

See Chap. VI, Prisons Act, IX of 1894.

757. Under clause (4) of section 3, Act IX of 1894, any prisoner who is not a "criminal prisoner" is a "civil prisoner." Every civil prisoner shall be confined in the civil ward or jail and shall not be allowed to hold communication or be associated with criminal prisoners. The law provides that civil prisoners shall be kept separate from criminal prisoners. Any part of a jail may be set apart for civil prisoners, provided that it admits of the complete isolation of civil from criminal prisoners.

Confinement of civil prisoners.

See Chap. VI, Act IX of 1894.

758. There shall be separate accommodation for prisoners under-trial, both male and female (see paragraph 741), and arrangements shall be made, where male under-trial prisoners under the age of 18 are confined, for separating them altogether from other prisoners, and for separating those of them who have arrived at the age of puberty from those who have not. The under-trial wards shall be strictly segregated from the rest of the jail.

Separation of under-trial prisoners.

NOTE.—Under the provisions of section 541 (1) of the Code of Criminal Procedure, 1898, the Provincial Government has directed that all male unconvicted criminal prisoners under the age of 15 years on trial in any criminal court situated at Jubbulpore shall be confined during the period of their trial in the Jubbulpore Reformatory School:

Provided that the magistrate conducting the trial shall have discretion to commit to jail custody any such unconvicted criminal prisoner who is charged with an offence connoting gross moral turpitude.

759. If possible under-trial prisoners who are known to be habitual criminals shall be kept separate from those who are not.

Habitual under-trial prisoners.

760. When practicable, under-trial prisoners who are accused of heinous offences should not be confined with those who are accused of offences less heinous. Any under-trial prisoner who is accused of committing a crime in concert shall be kept separate from others concerned in the same case. When there are separate compartments in the under-trial ward these should be utilized for the purpose. If there is no separate compartment, such prisoners may be kept in separate cells by day and in separate wards by night, but care must be taken that they

Separation of under-trial prisoners accused of heinous offences.

are not kept in solitary confinement. As far as practicable a confessing under-trial prisoner shall be separated from all other prisoners. If a cell is used for segregating a confessing under-trial prisoner he shall be allowed the free use of the yard in front of the cell.

NOTE.—A confessing under-trial prisoner is one who is certified as such by a magistrate.

Habitual and non-habitual criminals.

761. All convicted criminal prisoners shall be classified and placed in one or other of the following categories :—

- (a) Habitual criminals.
- (b) Non-habitual criminals.

NOTE.—For convenience of reference, prisoners falling in the first of the above categories are referred to as "habituals" and those falling in the second category are described as "non-habituals" or "casuals".

The following persons shall be liable to be classed as habitual criminals :—

- (i) Any person convicted of an offence whose previous conviction or convictions under Chapters XII, XVI, XVII or XVIII of the Indian Penal Code taken by themselves or with the facts of the present case show that he habitually commits an offence or offences punishable under any or all of those Chapters;
- (ii) any person committed to or detained in prison under section 123 (read with section 109 or section 110) of the Code of Criminal Procedure;
- (iii) any person convicted of any of the offences specified in (i) above when it appears from the facts of the case, even although no previous conviction has been proved that he is by habit a member of a gang of dacoits, or of thieves or a dealer in slaves or in stolen property;
- (iv) any member of a criminal tribe* subject to the discretion of the Provincial Government concerned;
- (v) any person convicted of an offence and sentenced to imprisonment under the corresponding sections of the Indian Penal Code and the Code of Criminal Procedure as applied by order under the Indian (Foreign Jurisdiction) Order in Council, 1902, or by the authority of any Prince or State in India.

C. P. Govt.,
Jail Dept.,
No. 562-575-
V (a), d.
21-12-28.

* The following are declared as criminal tribes by the Provincial Government :—

- | | |
|--------------------|-----------------------------|
| 1. Badak. | 13. Irani. |
| 2. Banjara.† | 14. Kaikari. |
| 3. Baori. | 15. Kanar (Kabutri Nut). |
| 4. Barwar. | 16. Kolhatee. |
| 5. Beria. | 17. Mang Gerodi. |
| 6. Bhampat. | 18. Marwari Baori (Baghri). |
| 7. Chharpaband. | 19. Mina. |
| 8. Chita Pardhi. | 20. Nut (Muslim). |
| 9. Dahhani Kanjar. | 21. Pass. |
| 10. Dom. | 22. Sanchaloo Waddar. |
| 11. Gopal. | 23. Sansi. |
| 12. Harni. | 24. Sonaria. |
| | 25. Tkankar. |

C. P. Govt.,
Jail Dept.,
memo. No.
636, 619-
V (a), d.
19-11-35.

† Members of the Banjara tribe who have settled down to cultivation should not, as a matter of course, be classed as habitual criminals.

- (vi) any person convicted by a court or tribunal acting outside India under the general or special authority of His Majesty of an offence which should have rendered him liable to be classified as a habitual criminal if he had been convicted in a court established in British India.

Explanation.—For the purposes of this definition the word “conviction” shall include an order made under section 118, read with section 110, of the Criminal Procedure Code.

762. (i) The classification of a convicted person as a habitual or non-habitual shall ordinarily be made by the convicting court, but if the convicting court omits to do so, such classification may be made by the District Magistrate of the district in which the criminal was convicted, or, in the absence of an order by the convicting court or District Magistrate, and pending the result of a reference to the District Magistrate, by the officer in charge of the jail, where such convicted person is confined:

Classification
into
habitual
and non-
habitual.

Provided that any person classed as a habitual criminal may apply for a revision of the order.

(ii) The convicting court or the District Magistrate may, for the reasons to be recorded in writing, direct that any convicted person shall not be classed as a habitual criminal and may revise such direction.

(iii) Convicting courts or District Magistrates, as the case may be, may revise their own classifications, and the District Magistrate may alter any classification of a prisoner made by a convicting court or any other authority provided that the alteration is made on the basis of facts which were not before such court or authority.

(iv) Every habitual criminal shall as far as possible be confined in a special jail in which no prisoner other than habitual criminals shall be kept:

Provided that the Inspector-General of Prisons may transfer to this special jail any prisoner, not being a habitual criminal, whom, for reasons to be recorded in writing, he believes to be of so vicious or depraved a character and to exercise, or to be likely to exercise, so evil an influence on his fellow prisoners that he ought not to be confined with other non-habitual prisoners but a prisoner so transferred shall not otherwise be subject to the special rules affecting habitual criminals.

(v) Prisoners of the habitual and non-habitual categories shall have, wherever possible, a separate sleeping ward or wards, and during the day shall be kept separate as much as possible. If there are not separate feeding platforms, latrines and bathing-platforms for each class, suitable arrangements shall be made to prevent the mixture of the two classes at the different parades. No squad of prisoners working together or employed upon any one machine shall on any account include prisoners of the two classes.

Separate
wards for
habituals
and non-
habituals.

Prisoners
sentenced to
simple imprison-
ment to
be kept sepa-
rate from pri-
soners sent-
enced to
rigorous im-
prisonment.

763. Habitual prisoners sentenced to simple imprisonment shall be kept separate from prisoners sentenced to rigorous imprisonment, unless they elect to work, in which case they may work with the latter during the prescribed hours.

Non-habitual prisoners sentenced to simple imprisonment shall also be kept separate from other non-habituals, if possible, but if there is no separate accommodation available for them, they may be located with the latter.

Character
and
convictions
of prisoners.

764. In ascertaining a prisoner's character, the Superintendent shall be guided by any particulars regarding the nature and circumstances of the crime, or the previous character of the prisoner, furnished to him by the convicting officer. If such particulars be insufficient, he may place himself in communication with the police officers of the district. It is of great importance that the Superintendent should know, as much as possible, about the previous career of his prisoners.

Previous
convictions
to appear in
warrant.

765. Previous convictions, if any, will generally appear in the warrant. The Superintendent should not be content with this information, but should endeavour to ascertain from the jail officers, warders and long-term convicts, as well as from the records of his jail, if the prisoner has been previously convicted. See para. 1076.

Weekly
parade of
prisoners for
identification
by police.

766. To afford the police the opportunity of recognizing old offenders, the Superintendent shall permit a police officer deputed by the District Superintendent of Police on the day preceding the weekly parade of prisoners to have access in the jail office to the admission registers and release diary. From these the police officer will prepare lists of prisoners admitted during the preceding week, of prisoners who will be discharged in the following week, and of any unidentified prisoners still under police enquiry, whom the police will have to inspect on parade. The prisoners named in these lists shall be paraded next morning at 8 a.m., separately from others, at the general parade, and the police (not more than 20 in number), who shall be conducted by the Assistant Jailer, shall be permitted to inspect all these prisoners. They shall not be permitted to hold any communication with a prisoner except such as is necessary for the purpose of identification. The Superintendent shall inform the District Superintendent of Police on what day the weekly parade of prisoners will be held, and at what hour the police officer can have access to the jail office. Only prisoners convicted under Chapters XII and XVII of the Indian Penal Code of offences punishable with three years, or attempts at the same under sections 328, 363 to 369, persons bound down under sections 109 and 110 of the Criminal Procedure Code, and under-trial prisoners, need be paraded for the inspection of the police. Female prisoners shall not be paraded for the inspection by the police. See para. 939.

Classification
to be
explained
to prisoners.

767. The class system shall be explained to all prisoners on admission. They shall be cautioned that they will be liable to punishment if they converse or communicate with any prisoner of a different class, or one confined in a different section,

yard or barrack than that in which they are themselves placed or confined, or if they are found in any part of the jail other than that in which they have been placed for work or sleeping.]

768. Classification cannot in its integrity be applied in all jails to female prisoners, but every such prisoner shall be classified, and habitual prisoners shall be kept separate from non-habitual prisoners.

Separation of habitual female prisoners from non-habituals.

768. Classification cannot in its integrity be applied in placed in the non-habitual category shall, under no circumstances, be transferred to habitual category by the Jail Superintendent, the fact of a prisoner being police-registered shall make no difference in his classification or treatment in a jail.

Prisoners of non-habitual class not to be transferred to the habitual class.

770. The following rules relate to the classification of "Star" prisoners:—

"Star" prisoners.

(1) While the ultimate responsibility for the selection of prisoners for the "Star" class rests with the Superintendents of Jails (subject to the control of the Inspector-General of Prisons), it is open to Magistrates to make recommendations in the matter: and it is very desirable that they should do so in order to give Superintendents of Jails the benefit of their knowledge, seeing that they are in a better position to learn the circumstances under which the crime was committed.

Rules regarding "Star" prisoners.

(2) It is difficult to lay down any hard-and-fast definition of the class of prisoners eligible to come within the new classification. The following classes of prisoners, however, are definitely excluded from it, viz. —

- (a) prisoners who have been classed as habituals by court;
- (b) prisoners who have been placed in the A and B classes by order of the Provincial Government;
- (c) prisoners who have been sentenced to simple imprisonment;
- (d) juveniles and adolescents (special treatment having already been laid down for these);
- (e) prisoners convicted under Chapters VI and VII, Indian Penal Code.

This leaves only the ordinary non-habitual prisoners and it is from these that the "Star" class is to be formed.

(3) Among non-habituals a clear distinction can usually be made between the prisoner whose crime is due to impulse or to wrong social custom, and the prisoner whose conduct indicates a cruel or depraved mental and moral state. The former should be protected as far as possible from such contamination as might result from his conviction and confinement in jail. And it is to this end that non-habituals will in future be divided into two classes, the "Star" class and "Ordinary" class.

See para.
782.

(4) Prisoners for the "Star" class shall be selected on the ground that their previous conduct and character have been good, that their antecedents are not criminal, and that their crimes do not indicate grave cruelty or gross moral turpitude or depravity of mind. One or more previous convictions need not automatically exclude a prisoner from the "Star" class, provided they were for petty offences only. Even a conviction for serious crime might possibly be not regarded as a bar if the crime was committed several years before and if during the intervening period the prisoner had led generally an honest life. The age of the offender at the date of any previous conviction and at the date of his present offence should, of course, be taken into account: in fact, the entire body of the circumstances of the case should be considered with a view to determining whether the prisoner is already of so corrupt a mind or disposition that he may contaminate others and cannot be much contaminated himself, and the question should be dealt with in a common-sense manner.

(5) In amplification of the general principles laid down in clause (4) the following more detailed instructions are given for the guidance of courts as well as of Superintendents of Jails. References are to the Indian Penal Code:—

Chapter V—Abetment.—Deliberate or habitual abetment of a serious crime or crimes should exclude from the "Star" class.

Chapter VII—Offences against the Public Tranquillity.—Offenders normally should be of the "Star" class but professional *lathials* and the like should be excluded.

Chapter IX—Offences relating to Public Servants.—Normally offenders should be included in "Star" class.

Chapter X—Contempts of the Lawful Authority of Public Servants.—Offenders normally should be in the "Star" class.

Chapter XI—False Evidence and Offences against Public Justice.—In cases triable by magistrates—offenders normally should be in the "Star" class; in other cases—offenders should usually be excluded.

Chapter XII—Offences relating to Coin and Government Stamps.—Persons succumbing to a sudden temptation to pass false coins should be included: persons in any way connected with coining or a gang of coiners excluded.

Chapter XIII—Offences relating to Weights and Measures.—Offenders normally should be excluded.

Chapter XIV—Offences affecting the Public Health, Safety, Convenience, Decency and Morals.—Offenders should normally be included but offenders against decency excluded.

Chapter XV—Offences relating to Religion.—Offenders should normally be excluded.

Chapter XVI—Offences affecting the Human Body.—Homicides whose crime was due to an impulse of passion should be included. Homicides who kill for gain, whether for robbery or for getting rid of rival claimants to property should be excluded. Similarly in cases of hurt, wrongful restraint and the like. Offenders convicted of habitually causing abortion or of an offence relating to sex in any way should be excluded.

Chapter XVII—Offences against Property.—Persons who from poverty or sudden temptation commit theft and kindred offences should be included. Persons who make their living from theft should be excluded.

Chapter XVIII—Offences relating to Documents and to Trade or Property Marks.—Offenders should usually be excluded.

Chapter XIX—Criminal Breach of Contracts of Service.—Offenders should normally be included.

Chapter XX—Offences relating to Marriage.—Offenders should normally be excluded.

Chapter XXI—Defamation.—Offenders should normally be included.

Chapter XXII—Criminal intimidation, Insult and Annoyance.—Offenders should normally be included.

Other Laws.—Offenders should normally be included, but habitual offenders against the Opium and Excise Acts, etc., should be excluded.

(6) On the conviction of any non-habitual prisoner, a copy of the judgment should be sent to the Superintendent, Jail, to enable him to determine whether the prisoner should be classed as "Star" or "Ordinary".

(7) On the admission of a non-habitual prisoner the Superintendent of the jail shall take steps to obtain a copy of the judgment delivered by the sentencing court. He in addition to examining the judgment received from the court as laid down in clause (6), *supra*, shall also make enquiries as to the prisoner's antecedents and previous conduct from the police if the prisoner has been sentenced to one year or more, a form similar to that used in the case of candidates for promotion to the grade of convict-warder being used for this enquiry. Upon receipt of this information he shall decide the classification of the prisoner. When any sentencing court has recommended any particular classification, that classification should at once be acted upon, but this should be subsequently modified in the light of further information received. Where no recommendation as to classification has been made, the Superintendent may use his own discretion as to the class in which the prisoner should be placed pending the receipt of the information he has called for. If the

Superintendent of a jail has any difficulty in coming to a decision as to how any particular prisoner should be classified, he may refer the case to the next meeting of the Board of Visitors.

(8) "Star" prisoners shall be kept separate from ordinary prisoners. This separation shall extend to sleeping accommodation and parades and as far as possible to labour. Where separate cells can be provided and the prisoner who is placed in the "Star" class prefers thus to be separated, his wishes should, as far as possible, be complied with. Otherwise separate wards should be set apart for the accommodation of "Star" class prisoners only.

(9) "Star" prisoners shall be treated in other respects as ordinary prisoners. They shall wear a star to indicate that they belong to this class.

(10) Night guarding in barracks in which ordinary prisoners are confined shall be carried out by night-watchmen of that class only. Similarly, the night-watchmen required for the barracks in which "Star" prisoners are accommodated shall be appointed from that class only. As promotion to convict official's grade is given to prisoners selected for responsibility and good conduct in jail, it is probable that the majority will be drawn from the "Star" class. In that case it might be difficult to give effect to the order regarding segregation and the danger would arise of these prisoners becoming contaminated in the later stages of their imprisonment. This danger is more apparent than real. Convict-officials are not required for duty inside the barracks at night and it is at night that there is the greatest danger of contamination. Such duties are carried out by night-watchmen and these will be provided by the two classes for their respective barracks. Convict-officials are required to take charge of prisoners in work-sheds; it is not necessary however that they should be posted in the work-sheds; they may be posted outside the door. It will of course be necessary for convict-officials to accompany out-gangs, but there is very little risk of contamination in this and the same applies to attendance at parades. Moreover, the fact that the convict-official is placed in a position of some authority, should of itself tend to protect him from contamination through association with ordinary prisoners.

(11) Although it is highly probable that the majority of convict-officials will be drawn from the "Star" class it is not intended that promotion among prisoners of the ordinary class should be limited to the grade of night-watchmen. Those considered fit for promotion shall be promoted according to the rules in force but such convict-officials shall be employed only with prisoners of the ordinary class. Supplying jails, when meeting demands for convict-officials from the two habitual jails, should as far as possible, send such convict-officers as have been promoted from the ordinary class.

(12) The Superintendent, subject to the sanction of the Inspector-General of Prisons, shall have the power to transfer any prisoner from the "Star" class to the ordinary class whose conduct is such that there is danger of his contaminating other prisoners in the class if he continues to remain in it.

SECTION II.—RULES REGARDING THE TREATMENT OF STATE PRISONERS

771. Bengal Regulation III of 1818 for the confinement of State prisoners is reproduced in Appendix III.

Regulations reproduced in Appendix III.

772. (1) When any person committed for safe custody under the provisions of the Regulation is received into any jail, an immediate report of the circumstances shall be made to the Inspector-General.

Report when a State prisoner is received.

(2) The report should give the rank of the prisoner in question with particulars of the order directing his detention and the provision made for his safe custody, dieting and treatment.

773. Every State prisoner shall, subject to the provisions of the Regulation, be treated in such manner as the warrant or order committing him to jail may direct.

How State prisoners are treated.

774. For the purposes of the Prisons Act, 1894, and unless the warrant of commitment, or other order relating to any prisoner confined under the Regulation otherwise directs, every State prisoner shall be deemed to be a civil prisoner.

When a State prisoner is treated as a civil prisoner.

775. If the warrant or order relating to any State prisoner directs that he be confined in the criminal jail, he shall, for the purposes of the Prisons Act, 1894, be treated as an unconvicted criminal prisoner.

When to be treated as an under-trial.

776. The Inspector-General of Prisons shall issue such orders as he may consider necessary and as are not inconsistent with these instructions, for the health and comfort of every State prisoner.

Inspector-General to issue orders regarding health and comfort of State prisoners.

777. No State prisoner shall be transferred from any one to any other jail otherwise than under the special orders of the Government.

Transfer of State prisoners.

778. In the absence of any direction to the contrary given under the Regulation, every State prisoner who is not permitted to maintain himself shall be subjected to prison diet of the scale for the time being prescribed in respect of convicts who are not subjected to labour.

Diet of State prisoners.

779. When any State prisoner is not permitted to maintain himself, he shall be provided with such clothing, bedding and other necessities as the Superintendent, subject to the control of the Inspector-General, may, from time to time, prescribe in that behalf.

Provision as to clothing, etc., of State prisoners.

780. (1) On the death of a State prisoner a special report with particulars shall be made to the Inspector-General for submission to Government. The order and warrant shall at the same time be returned through the Inspector-General with an endorsement certifying to the prisoner's death.

Procedure on death transfer or release.

(2) A report shall be made to the Inspector-General when a State prisoner is transferred to another jail or released under the orders of Government; in the latter case the order of warrant shall accompany the report with an endorsement certifying to the release of the prisoner.

SECTION III.—“A” AND “B” CLASS PRISONERS

Definition.

781. Classes “A” and “B” are reserved for prisoners of superior social status, *i.e.*, for those whose habits or position make confinement in jail under ordinary conditions a very much severer form of punishment than it is for those less educated or of coarser habit. The social status required for admission to class “A” will be considerably higher than that required for class “B”.

Rules relating to “A” and “B” class prisoners.

782. The following instructions relate to “B” class prisoners and are also applicable to “A” class prisoners unless otherwise stated :—

1. The prisoners of “B” class shall be kept separate from all other prisoners. They shall ordinarily be confined in any one or more of the five bigger jails, *viz.*, Nagpur, Jubbulpore, Raipur, Akola and Amraoti, and in any other jail or jails which may be specially allocated by the Inspector-General of Prisons for these prisoners from time to time. Except when this is imposed as a jail punishment, the imprisonment shall in no case involve anything of the nature of separate or cellular confinement. Subject to these conditions, there is no objection to these prisoners being accommodated by themselves in a barrack or a cell, as may be available.

2. Berths of masonry or brick work provided in barracks and cells shall be used by “B” class prisoners for sleeping at night. “A” class prisoners shall be allowed to bring their own bedstead and mattress of a size approved by the Superintendent of the jail and not bigger than 6½' in length and 3' in breadth and 2' in height. Mosquito curtains shall only be allowed at the cost of the prisoner, if considered necessary by the medical officer of the jail. A chair or stool for each prisoner, a shelf for books and a cupboard for clothing and necessities for two prisoners and a table for four prisoners shall be allowed, in each barrack. A chair or stool, a smaller shelf or a smaller cupboard and a small table shall be allowed for each cell when confinement in a cell is not by way of punishment.

3. (a) “A” and “B” class prisoners shall receive their diet in the following scale :—

1. For labouring male convicts :—

(1) Early morning meal—

		Chts.
Tea	..	½ }
Milk	..	2 } or milk 4 chts.
Sugar	..	½ }
Wheat flour	..	1½ } or bread, loaf 2 chts.,
		butter ½ cht. or gruel.
Ghee	..	½ } 8 chts.

(2) Midday and evening meals—

	Chts.
Flour, wheat ..	8½
or	
Clean rice ..	10
or	
Flour, wheat ..	5 and clean rice 4 chts.
or	
Wheat flour ..	7
or	
Loaf bread ..	10
or	
Rice ..	7
Root vegetables ..	4
Other vegetables ..	4
Dal 3 or 1 cht. to those given meat.	
Ghee or butter ..	½
Sweet oil ..	½
Salt ..	1½
Sugar or gur ..	2
Milk ..	2

Condiments (total ½ cht.)—

	Chts.
Tamarind or dry mango ..	1½
pulp. ..	1½
Turmeric ..	1½
Chillies ..	1½
Onion and garlic ..	1½
Coriander ..	1½
Total ..	3

Firewood or coal for the day, 12 chts. (See also paragraph 609.)

(b) "A" class prisoners shall be allowed additional food at their own expense subject to medical advice. The food so imported shall be of simple character and the concession must not be made an excuse for the importation of luxuries. The cooking of imported food will be carried out in the general kitchen, but on a separate stove and by a selected cook of high caste. "A" class prisoners may be permitted to use their own feeding utensils, if they so desire.

(c) The non-labouring male and female prisoners of the "A" and "B" classes shall be given the diet as mentioned in sub-paragraph (a) above, except that the quantities of wheat flour, loaf bread, rice, meat, ghee, butter, gur and sugar shall be two-thirds of the quantities there authorized. (See also paragraph 610.)

(d) Diet for "A" and "B" class prisoners sentenced to simple imprisonment shall be the same as that specified for non-labouring prisoners in sub-paragraph (c) above. (See also paragraph 611.)

(e) "A" and "B" class prisoners shall not be permitted to import without due authority alcohol, tobacco, intoxicating drugs, betel leaves nor betel nuts.

4. Spinning, weaving, envelope-making, book-binding, composing, sewing and stitching or other labour of a similar kind shall be given to these prisoners when sentenced to labour. They shall not be asked to perform menial duties. Convict servants of the "C" class shall be employed to cook, sweep and store water for these prisoners. Such prisoners may, however, wash their own clothes. The gang of convict servants shall attend to perform their duties at fixed hours and an officer not lower in rank than an Assistant Jailer shall be present during these hours. (See also paragraph 693.)

5. Prisoners of this class who are not sentenced to labour, shall be permitted to take such exercise as the Superintendent thinks necessary at such time and place as he may direct. The opening of barracks, use of latrines and bathing shall be carried out in accordance with jail routine.

6. "B" class prisoners shall be supplied with following clothing and necessities:—

- Two cotton shirts.
- One coat (cotton in summer and woollen in winter).
- One pair shorts.
- One pair trousers or pyjamas.
- Two pairs socks (cotton in summer and woollen in winter).
- One cap or hat.
- One jersey (in winter).
- One pair shoes or chappals.
- One bath towel, one face towel.
- Two handkerchiefs.
- One comb.
- One to three blankets, according to season.
- Two bed sheets 7' x 4'.
- One durrie 6' x 3'.
- One tatpatti 6' x 3'.
- One pillow with cover.
- One brass mug.
- One aluminium plate.
- One spoon.
- One fork.

NOTE 1.—Dhoties are not absolutely prohibited, but should be given with discrimination at the discretion of the Superintendent of the Jail in place of shorts, trousers or pyjamas.

NOTE 2.—Sikh and Mohammadan prisoners should be given respectively the kachh and the special type of pants as provided in rules 734 (4) and 736 (d).

The following shall be supplied to female prisoners classified as "B" class instead of the first six items in the above list:—

- Two cotton skirts or sarees.
- Two cotton blouses or cholis.
- Two shirts or kurtas (cotton in summer and woollen in winter).
- Two pairs cotton drawers or two lenghas.
- Two pairs cotton stockings and one pair of garters.

Convict officers classified as "B" class prisoners shall wear a brass badge indicating their rank on the left arm.

Articles of clothing solely for the use of "B" class female prisoners need not be kept in stock, but may be ordered as necessity arises. Pending this issue, they shall wear their own private clothing. (See also paragraph 653.)

"A" class prisoners shall be allowed to wear their own clothing, but if they prefer to wear jail clothing, they shall wear the "B" class clothing. Combinations of jail and private clothing shall on no account be allowed.

7. "A" and "B" class prisoners will have their hair cropped and moustaches trimmed like "C" class prisoners and when they do not wear beards and whiskers, they shall be shaved by a selected "C" class prisoner, or, if a suitable "C" class prisoner is not available, they may be shaved at suitable intervals by an outside barber selected by the Superintendent of the jail, provided that, at the discretion of the Superintendent, any such prisoner may be permitted to keep a safety razor and other shaving materials at his own expense. (See also paragraph 733.)

8. Educated and literate prisoners shall be allowed to read books and periodicals from the jail library. They shall be allowed to get books from outside at their own expense provided the books are of a non-political character and approved by the Superintendent of the Jail. "A" and "B" class prisoners who have behaved well may, at their own expense, be permitted to buy such newspapers, periodicals and magazines as may be approved by Government.

9. "A" class prisoners shall be allowed to have one interview, to write one letter and receive one letter every fortnight, and "B" class prisoners the same number every month. The subject matters of letters and of the conversation at interviews shall be limited to purely private and domestic affairs and there must not be any reference to political matters, to jail administration and discipline or to other prisoners. The publication of matters discussed at interviews and breach of other conditions given above will entail liability to the withdrawal or curtailment of the privileges. Interviews shall be given in the Jailer's office or in such other part of the jail as the Superintendent of the Jail may direct.

10. Prisoners of this class shall not be handcuffed or fettered, except by way of punishment or when, if this is not done, there would be a danger of the prisoner's escape or of an attack being made on the jail staff and then only with the sanction of the Inspector-General of Prisons.

11. The Superintendent shall have the power to inflict any of the punishments detailed in rule 121 of the Jail Manual with the exception of Nos. 5 and 11 of the minor punishments list and Nos. 2 (f), 7, 8 and 10 of the major punishments list. The punishment of whipping cannot be inflicted without the previous sanction of the Provincial Government.

NOTE.—All privileges such as interviews, letters, facilities for reading, etc., are contingent on good behaviour in jail and the Superintendent of Jail is empowered to withdraw or postpone individual privileges for unsatisfactory conduct on the part of any prisoner.

C. P. Govt.,
Jail Dept.,
memo. No.
253-181-V
(a),
d. 5-4-35.

12. In the event of a prisoner misconducting himself, the Superintendent shall have power to withdraw individual privileges, but the power to remove the prisoner from "A" to "B" class or from "A" or "B" to "C" class shall only be exercised by the Provincial Government.

13. Lights shall be allowed up to 9 p.m.

14. In the case of journeys by rail, "A" class prisoners shall be conveyed in second class, "B" class prisoners and special class under-trials in intermediate class and "C" class prisoners in third class carriages. "A" and "B" class male prisoners and all female prisoners will ordinarily be given a conveyance for the journey between the railway station and the jail. [See also paragraph 1043 (4).]

"A" and "B" class prisoners when in transit from one jail to another or to their homes on release shall receive a subsistence allowance of annas 12 per day. 25 miles is considered as a day's journey by road for these prisoners. (See also paragraph 1027.)

15. The Provincial Government reserves to itself the power to relax any of the above rules for special reasons.

783. Pending receipt of final orders from the Provincial Government regarding the classification of any prisoner as class "A" or class "B", the Superintendent of the Jail shall treat such a prisoner according to the classification ordered by the convicting Court. If any prisoner appeals against his classification as such, his appeal shall be forwarded to the Provincial Government through the District Magistrate of the district in which the prisoner was sentenced.

All rules regarding letters and interviews for "C" class prisoners contained in paragraphs 911 to 927 shall be applicable to "A" and "B" class prisoners, except as regards the frequency of letters and interviews in the case of "A" class prisoners.

CHAPTER XV

CONFINEMENT OF CONVICTED PRISONERS

Rule under section 59 (18) of the Prisons Act regulating the confinement of convicted criminal prisoners under section 28

SECTION I.—JUDICIAL SOLITARY CONFINEMENT

784. When any prisoner is sentenced to solitary confinement under section 73 of the Indian Penal Code, the Jailer shall enter his name and particulars of the sentence in the solitary confinement register and submit the register to the Superintendent for verification of the entry. This register shall be examined by the Jailer on the 1st of every month, and he shall then see that every prisoner who has an uncompleted sentence of solitary confinement is placed in a cell for the period prescribed in section 74 of the Indian Penal Code, or, according to any order on his warrant, if not contrary to that section, provided that he has previously been certified by the Medical Officer to be fit for such confinement. If there is not a sufficient number of cells available for all such prisoners, he may place half of the number in cells on the first of the month, and the other half on the 15th of the month. No period of judicial solitary confinement exceeding 14 days or, if the sentence of imprisonment is for more than 3 months, exceeding 7 days, can be inflicted in each calendar month. If the period of solitary confinement is stated on the warrant in months, one month's solitary confinement shall be counted as 4 weeks, two months as 8 weeks and three months as 12 weeks. The execution of a sentence of solitary confinement need not be postponed on account of an appeal having been lodged.

Action to be taken when prisoner is sentenced to solitary confinement.

785. When a prisoner is sentenced to imprisonment, under two separate warrants, of which the second alone awards any period of solitary confinement, the solitary confinement shall not be executed during the first term of imprisonment. Similarly, if solitary confinement is ordered in the first term of imprisonment, it shall be executed during that term, and shall not be postponed to the second term of imprisonment.

Prisoners sentenced to imprisonment under two separate warrants.

786. If prior to any period of judicial solitary confinement a prisoner is declared by the Medical Officer to be unfit to undergo such confinement, or if during any period of judicial solitary confinement it becomes necessary to remove a prisoner on the ground of injury to mind or body under the Medical Officer's orders, the fact shall be reported to the court by which the sentence was passed, and shall be recorded in the solitary confinement register. If subsequently there be time without infringing the conditions of section 74 of the Indian Penal Code, and if the prisoner then be fit, he shall serve in solitary confinement the portion of the period which remained uncompleted. If a prisoner sentenced to judicial solitary confinement be declared by the Medical Officer to be permanently unfit to undergo such confinement, the matter shall be reported to the court which awarded the sentence, and the order of solitary confinement shall not be carried out.

Sentencing court to be reported of the fact of a prisoner declared unfit to undergo solitary confinement.

Punishment
to prisoner
under-
gone solitary
confinement.

787. No prisoner who has undergone a period of judicial solitary confinement shall be punished with separate or cellular confinement for a jail offence within a period equal to the judicial solitary confinement he has undergone after the expiration of such confinement. Consequently a prisoner who has to undergo 14 days judicial solitary confinement in any month cannot be punished for a jail offence with separate or cellular confinement during the same month.

Treatment of
prisoners
undergoing
judicial soli-
tary con-
finement.

788. All the rules in section II of this Chapter relating to the treatment of prisoners placed in cells for a jail offence shall apply to prisoners undergoing judicial solitary confinement.

Execution of
solitary con-
finement or
otherwise to
be certified
on warrant on
release of
prisoner.

789. On the expiration of the sentence of every prisoner awarded judicial solitary confinement, the endorsement on the warrant by the Superintendent, certifying to the execution of the sentence, shall state in weeks the total period of judicial solitary confinement the prisoner has undergone, and if any portion of such sentence has not been duly executed, the reason shall be explained.

SECTION II.—TREATMENT OF PRISONERS IN CELLS

NOTE.—The following rules shall not apply to the confinement of female prisoners in cells when at variance with paragraphs 753, 1081, 1087 and 1094 of this Manual.

Use of cells.

790. Cells may be used—

- (a) for carrying out sentences of judicial solitary confinement under sections 73 and 74 of the Penal Code;
- (b) for the separate and cellular confinement of prisoners under section 46 (8) and (10) of Act IX of 1894;
- (c) for the medical observation of lunatics;
- (d) for the medical observation and separation of prisoners supposed to be suffering from bowel complaints or other sickness, or to be causing sickness or sores by the use of deleterious substances, or who are suffering from contagious affections;
- (e) for the confinement of prisoners condemned to death.
- (f) for the confinement of convicted criminal prisoners who are in the opinion of the Superintendent likely to exercise a bad influence over other prisoners if kept in their association;
- (g) for the confinement of convicted criminal prisoners for whom no other suitable accommodation is available.

Watch over
prisoners in
cells.

791. During the day-time a paid warder shall always remain within hearing of the prisoners, and on being called shall ascertain what the requirements of the prisoners are. A strict watch shall be kept over all the prisoners in these cells to prevent them committing suicide or injuring themselves. With regard to the keys of the cells, see paragraph 796. See Para.
1062

Admission of
prisoners for
separate and
cellular con-
finement.

792. The warder in charge of the cells shall receive no prisoner for separate or cellular confinement without an order from the jailer or octagon officer acting under the orders of the Superintendent

793. A "solitary confinement register" and a "solitary cell ticket" are prescribed in Vol. II of this Manual in which the Jailer or octagon officer shall enter details of the admission, discharge, etc., of prisoners in cells. Solitary confinement register and solitary cell ticket.

794. Before being put in a cell each prisoner shall be very carefully searched, and all implements and appliances likely to facilitate escape or suicide shall be taken away; and every cell and every prisoner therein shall be carefully searched daily at lock-up time, and oftener if necessary. Search of cell and of prisoner before confinement therein.

See para.
297 (3).

795. Every prisoner confined in a cell for more than 24 hours shall be visited daily by the Superintendent, and also by the Medical Officer or Medical Subordinate. A prisoner sent to a cell for medical observation shall be frequently visited by the warder on duty, who shall send information to the Assistant Medical Officer of any change which may take place in the prisoner's condition. During the time that the prisoner is under observation, he shall receive such food as the Medical Officer may consider necessary. Visits by Superintendents and Medical Officers, etc., to prisoners in cells.

796. At night the guards shall be so posted and arranged that all prisoners in cells shall at all times have the means of communicating with a jail officer or sentry; and each prisoner in solitary confinement shall be inspected (ordinarily through the eye-hole in the door) at every change of guards. In case of sickness immediate notice shall be given by the guard to the Head Warder on duty by passing the word sentry to sentry. The Head Warder shall at once report the case to the Assistant Medical Officer who shall visit the cell, and, if necessary, remove the prisoner to hospital, and inform the Superintendent and Medical Officer of the circumstances at their next visit and the Jailer immediately. In order that the keys of the cells shall be always immediately available in case of sickness or attempted suicide the sentry during the day shall keep them in his possession attached to a chain and wristlet and at night in Central Jails and in the District Jails of Raipur, Amraoti and Akola they shall be suspended on hooks bearing numbers corresponding with the cell numbers in a special cupboard fixed to the octagon tower, and in other District Jails in a similar special cupboard at the main gate, the keys of which in both cases shall be kept by the patrolling officer, who is authorized to open the door of any cell at night for the purpose of rendering prompt aid to any prisoner whose life he considers is in immediate danger from an attempt to commit suicide or from sudden illness. He shall, however, send information with the least possible delay to the Jailer. Two prisoners shall under no circumstances whatever be confined in one cell. If dangerous lunatics have to be watched by convicts, the watchers must be placed outside the grated door of the cell. Guarding, confinement and sickness prisoners of in cells.

NOTE.—For orders concerning the custody of the keys of cells in which condemned prisoners are confined, see paragraph 1094.

Visits to cells
by warders.

797. Each cell shall be visited by a Head Warder once every two hours during the day and night. In addition to that visit the relieving and relieved Head Warders of the night watches shall visit the cells together, to see that the correct number is confined in them, and that all is well.

Bedding of
prisoners in
cells to be
exposed to
sun.

798. The bedding of prisoners in cells, except that of pri- See para. 650
soners under observation for sickness or insanity, shall be with-
drawn from the cell during the day, and exposed to sun and
air when the weather permits. The inmate of a cell shall at all
times be compelled to keep it scrupulously clean.

Convict
sweepers,
cooks and
watermen to
enter cells.

799. Convict sweepers, cooks and watermen may enter the
cells, when necessary, accompanied by a warder. Food shall be
cooked and carried to the cells by prisoner cooks of suitable
caste, under the superintendence of a jail officer.

Prisoners in
cells to
remain
silent.

800. Strict silence must be maintained among all prisoners
in confinement in cells.

CHAPTER XVI

PRISONERS' HISTORY-TICKETS

Rules under section 59 (19) of the Prisons Act for the preparation and maintenance of history-tickets

801. Every convicted prisoner, whether sentenced to simple or to rigorous imprisonment, shall be provided with a "history-ticket" in which, besides the information regarding crime, section of Act under which sentenced, sentence, date thereof, etc., as required by the heading, shall be recorded at the time in chronological sequence, every occurrence of importance in his jail life, and every order specially relating to him. Every entry in the ticket shall be dated.

Prisoners' history-tickets.

802. Every under-trial prisoner shall be furnished with a history-ticket showing his name, date when first placed on trial, date of admission to the jail, crime of which accused, previous convictions, if any are known, court in which the case is pending, whether he is a confessing prisoner or not, dates to which his trial has been remanded, weight on admission, and weight subsequently once a fortnight.

History-tickets for under trial prisoner.

See paras. 307, 350, 381, 976, 806 and 674.

803. In the heading of the history-ticket of each prisoner the Medical Officer shall himself enter, or cause to be entered under his instructions, the prisoner's weight on admission and physical equivalent, his state of health, the class of labour for which the prisoner is fit if sentenced to rigorous imprisonment, and whether he has been protected by vaccination, inoculation, or smallpox. He shall also subsequently enter or cause to be entered on the ticket the fact of vaccination having been performed in jail and the result, admission into and discharge from hospital on every occasion, with the disease for which admitted and any special instructions for the treatment of the prisoner, change of work, or food, etc., other than matters for which either he himself or his medical subordinate is solely responsible. On discharge of a prisoner from hospital or the convalescent or special gang, he shall invariably enter whether the prisoner may revert to his original work and task, or whether some other work and task should be allotted to him. He shall also see that the fortnightly weighments are duly recorded on the history-tickets.

Details in history-tickets by Medical Officer.

804. The following particulars shall be entered in the history-ticket:—

- (a) The date of admission into the jail.
- (b) The issue of clothing and kit on admission and subsequently.
- (c) The particular work and task to which the prisoner is put.
- (d) Every subsequent change of work or task.
- (e) Any complaint made by the prisoners of sickness or report of his sickness

Matters to be entered on history-tickets by Deputy Superintendents, Jailers and his subordinates.

- (f) The action taken to carry out any direction of the Medical Officer or recommendation of the Medical Subordinate relative to the prisoner, or reason why such order cannot be carried out.
- (g) Application for copy of judgment if the prisoner wants to appeal.
- (h) Receipt of copy of judgment.
- (i) Despatch of appeal.
- (j) Substance or order of appellate court.
- (k) The remission earned monthly.
- (l) The total remission earned up to the end of each quarter.
- (m) Any offence committed, including omission to perform tasks.
- (n) Any interviews allowed and the receipt or despatch of private letters.
- (o) Inspector-General's sanction for employment as convict warder.
- (p) Despatch to a court, or transfer, discharge, escape or death.
- (q) Action taken on any order entered by the Superintendent.

The above entries shall be made by the Deputy Superintendent or by the Jailer or Octagon Officer or Assistant Jailers, as the rules or the orders issued under them by the Superintendent shall direct; but remission shall only be entered by the officers empowered by the Inspector-General under rule 154 of the rules made by the Provincial Government under section 59 of the Prisons Act. See para. 154 and G. I., H. D., Resln. No. 12-Jails-500-510, d. 31-8-96.

Matters to be recorded on history-tickets by Superintendent.

805. The Superintendent shall record on a prisoner's history-ticket:—

- (a) Any special order he may have to give as to the treatment of the prisoner, e.g., location in juvenile ward, separation at night in cells, any particular work or duty, etc., including that of hospital attendant.
- (b) The award of any punishment (including formal warning) or an admonition.
- (c) Sanction for extramural employment.
- (d) Promotion to grade of night watchman, overseer or convict warder.
- (e) The award of remission if given by himself.

Weighment of prisoners to be recorded on history-tickets.

806. The Medical Subordinate, and Assistant Jailer, or compounder, if deputed to assist him in weighing the prisoners, shall enter the weighments of every prisoner in his history-ticket. The Medical Subordinate shall also enter in a prisoner's ticket any special recommendation regarding his treatment he may have to make, but unless the matter is urgent, he shall submit it to the Medical Officer for confirmation.

807. The history-ticket of each prisoner shall be kept in a proper receptacle by the convict officer, in whose charge he is placed, to be produced by him whenever required. It shall go with the prisoner whenever he is changed to another gang or work or sent to hospital. At the weekly parades each prisoner shall hold his ticket in his hand for the Superintendent's inspection; and it shall invariably be produced with the prisoner when he is reported for an offence or brought before the Superintendent or Medical Officer for any reason, or when remission is awarded.

See para. 825
(e).

History
-ticket to be
kept by
convict
officer.

808. The history-tickets of prisoners who die in jail or who are released shall be kept for six months after death or release. The history-tickets of escaped convicts shall be permanently preserved.

Period of
preservation
of history-
tickets.

When a prisoner is transferred to another jail his history-ticket shall be sent with him.

CHAPTER XVII

APPOINTMENT OF PRISONERS AS OFFICERS OF PRISONS

Rules under section 59 (20) of the Prisons Act for the selection and appointment of prisoners as officers of prisons

SECTION I.—CONVICT OFFICERS

809. There shall be three grades of convict officers, *i.e.*, watchmen, overseers and convict warders. Prisoners who have been appointed as convict officers are public servants within the meaning of the Indian Penal Code (section 23, Prisons Act).

Grades of
convict
officers.

810. The maximum number of convict officers in a jail shall in no case exceed ten per cent of the daily average population thereof.

Strength of
convict
officers.

811. No convict officer shall on any pretext strike a prisoner except in self-defence or in defence of a jail officer, or in the repression of a disturbance (in which case no more than necessary force shall be used) or use any violence except when absolutely necessary. Any convict officer proved to have infringed this rule shall be permanently degraded to the position of an ordinary convict.

Assault or
violence by
convict
officers.

812. Any convict officer detected in introducing or conveying at the introduction of forbidden articles shall be prosecuted before a magistrate under section 42 of Act IX of 1894, and whenever guilty of wilfully or negligently permitting a prisoner to escape, he shall invariably be prosecuted under sections 222 and 223 of the Indian Penal Code. Convict officers are bound to do all in their power to prevent escapes.

Prosecution
of convict
officers.

813. No convict officer shall have independent charge of any file, gang or other body of prisoners outside the jail walls, nor shall he have independent power to issue orders to prisoners, but there shall always be a paid officer in superior charge under whose control and orders the convict officer shall work :

Independent
charge of
convict
officers.

Provided that within the main walls of the jail a reliable convict officer may temporarily be entrusted with charge of a gang employed on fatigue duty, or of a convalescent gang or a small gang of *mehtars* or water-carriers or compound-sweepers.

Paid warders only shall be in charge of habitual prisoner-gangs and workshops.

814. Convict officers required for employment in yards or barracks reserved for prisoners sentenced to simple imprisonment shall, as far as possible, be drawn from the ranks of simple imprisonment prisoners. Convict officers should not be employed to guard civil prisoners.

Appointment
of convict
officers.

Convict officers are not to be employed to guard prisoners condemned to death, or prisoners in huts outside the jail walls, except in cholera camps.

SECTION II.—CONVICT WATCHMEN

Qualifi-
cations
for convict
watchmen.

815. No prisoner shall be appointed to be a convict watchman who does not possess the following qualifications:—

- (a) That he has completed one-fourth of his sentence excluding remission, if any.

NOTE.—For the purpose of this clause a sentence of transportation for life shall be deemed to be one of fourteen years rigorous imprisonment.

- (b) That he has been well-behaved.
(c) That he is industrious.
(d) That if under the remission system, he has at the time of appointment earned at least three-fourths of the remission he can obtain.
(e) That he is physically fit to do two hours' night duty in addition to his ordinary day labour.
(f) That he has not been convicted of *thagi*, drugging, rape, unnatural offence or any other crime which would render it undesirable to appoint him a convict officer, e.g., offences under sections 224, 400 and 401, Indian Penal Code.

Convict watchmen shall be appointed by the Superintendent. Whenever it is possible, these appointments should be reserved for prisoners who are under the remission system. Prisoners sentenced to less than a year's imprisonment should be appointed only if a sufficient number of prisoners with longer terms are not available.

Promotion
among
prisoners
of the
ordinary
class to be
limited to
the
grade of
night
watchmen.

816. Although it is highly probable that the majority of convict officials will be drawn from the Star class it is not intended that promotion among prisoners of the ordinary class should be limited to the grade of night-watchmen. Those considered fit for promotion shall be promoted according to the rules in force, but such convict officials shall be employed only with prisoners of the ordinary class. Supplying jails, when meeting demands for convict officials from the two habitual jails, should, as far as possible, send such convict officers as have been promoted from the ordinary class.

Habitual
prisoners as
convict night
watchmen.

817. Habitual prisoners with two or one previous convictions may be employed as convict night-watchmen in the barracks for habitual prisoners at the Jubbulpore Central Jail and the Amraoti District Jail, provided they are eligible according to paragraph 815 above. They shall not be employed as night-watchmen over prisoners of the casual class.

Limit of the
number of
convict
watchmen.

818. The number of convict watchmen shall be limited to the number actually required in addition to the convict overseers for furnishing the prescribed night watch in the sleeping wards of the jail.

General
duties
of convict
watchmen.

819. The general duties of a convict watchman are to assist the convict overseer in watch and ward, and in maintaining order and discipline inside the wards at night, to prevent prisoners leaving their beds except with permission and for a necessary purpose, to keep silence in the wards, and to take care that all the prisoners are present; and whenever challenged by the patrol, to count the prisoners and reply.

ara.
9.

820. On the prisoners being locked up for the night the Jailer, or in Central Jails the Octagon Officer, shall, with the assistance of the Head Warder, arrange for the hours of watch for each convict watchman, noting the hours in the lock-up note-book for the information of all patrolling officers during the night; or the turn of watch for each ward may ordinarily be fixed every week, and the names of watchmen to come on duty for each watch may be posted up in a frame in the ward.

Watches of
convict
watchmen.

821. Convict watchmen are exempted from wearing anklerings and fetters. They shall be in the position of ordinary prisoners as regards labour and discipline by day, and shall for any irregularities or short work be punished in accordance with the rules. They shall receive five days' remission per month if they have carried out their duties thoroughly well. For offences committed while on duty as watchmen they shall be liable to the same punishments as convict overseers.

Privileges
of conv.ct
watchmen.

822. All watchmen shall be paraded together, apart from the prisoners, after the regular weekly parade, and the opportunity should be taken to select the best men among them to fill any vacancies in the grade of convict overseers, to punish those who have committed faults during the previous week, and to issue any general orders that may be necessary for their guidance.

Selection of
convict
watch-
men for
convict
overseers.

SECTION III.—CONVICT OVERSEERS

823. Convict overseers shall be appointed by the Superintendent from the grade of convict watchmen, on the following conditions:—

Convict
watch-
men to be
convict
overseers
conditions.

- (a) When they have served as watchmen for three months, if the sentence is one year or more, for two months, if the sentence is more than six but less than twelve months and for six weeks if the sentence is six months or less.
- (b) That they are under the remission system and have earned three-fourths of their possible remission.
- (c) That they have served one-third of their sentence excluding remission.

NOTE.—For the purpose of this clause a sentence of transportation for life shall be deemed to be one of fourteen years' rigorous imprisonment.

- (d) That their work has given satisfaction.
- (e) That they are physically capable of performing such duties as may be required of them.
- (f) That if they are habitual prisoners they shall only be employed in connection with the watch and ward of habitual prisoners (in the Jubbulpore Central and Amraoti District Jails).

Part II.]

Appointment
of convict
overseers.

824. No prisoner shall be appointed an overseer, permanently or temporarily, in contravention of the above rules without the sanction of the Inspector-General. Every order appointing a prisoner a convict overseer shall be written by the Superintendent himself on the prisoner's history-ticket, and in district and subsidiary jails it shall also be entered in the Superintendent's order book.

NOTE.—Ineligible convicts when appointed to act as convict officers shall be allowed the concessions given to qualified prisoners.

General
duties
of convict
overseers.

825. The Superintendent will fix the special duties of overseers; but the assignment of individual men for the posts may be left to the Jailer. It is the duty of all overseers—

- (a) To obey the Superintendent, Deputy Superintendent, Jailer, or any jail official or officer of the Public Works Department under whom they may be placed unless they are ordered to do anything contrary to jail rules, in which case they shall report at the earliest opportunity to the Superintendent or Jailer.
- (b) To assist the warders of their gangs in superintending the prisoners at work, conducting them to parades, maintaining discipline and silence and keeping them in safe custody.
- (c) To share with the watchmen the duty of guarding the wards by inside patrol at night, and to be responsible for the efficiency of the watch, the safe custody of the prisons, and the maintenance of discipline in the wards at night.
- (d) To escort individual prisoners about the jail, and to take them to the hospital when necessary.
- (e) To carry the history-tickets of the prisoners of their gangs in a bag specially provided for the purpose.
- (f) To count frequently the prisoners made over to them, to see that the number is correct, and to search them and to prevent their receiving or retaining forbidden articles. In the event of forbidden articles being found upon any prisoner, the convict overseer in charge of the gang to which such prisoner belongs shall, unless he has reported the fact, be punished.
- (g) To give notice of any breaches of jail rules, plots or conspiracies that may come to their knowledge, whether amongst prisoners of their own or of other gangs.
- (h) To see that their prisoners industriously perform their tasks, do not leave their proper places or communicate with each other in an irregular manner, and that they keep in file when moving from place to place.
- (i) To report every prisoner who uses the latrine (except for the purpose of urinating) out of regular hours; and to report all cases of diarrhoea and other sickness, especially during the prevalence of epidemics.
- (j) To see that every prisoner properly folds up and arranges his bedding in the morning before the wards are opened.

- (k) To see that their prisoners wash themselves and their clothes, and keep their leg-irons clean and bright, and that they do not barter, alter or damage their clothing.
- (l) To assist in quelling any outbreak, and to defend any jail official in case of assault.

826. All overseers shall be paraded together in order of merit, apart from ordinary prisoners after the weekly inspection of the convicts; and the opportunity should be taken to punish those who have committed faults during the previous week and to praise those who have done well. Any general orders it may be necessary to issue for their guidance shall be carefully explained to them during this parade.

Parade of convict overseers.

827. The privileges of overseers are freedom from penal labour, the power of earning six days' remission per month; exemption from having their heads shaved and beards trimmed; exemption from wearing ankle-rings and fetters; the possibility of promotion to convict wardership when qualified; and wearing distinctive clothing.

Privileges of convict overseers.

828. Minor offences or negligence committed by overseers may be punished by loss of remission or by permanent or temporary degradation to watchmen, or by both. For serious offences an overseer may be permanently degraded to ordinary convict and may be further punished by such forfeiture of remission or by such other punishment as is allowed by the Prisons Act, and by the Government rules thereunder. But degradation shall invariably precede such other punishment, and the uniform shall be removed and the convict dress substituted before the punishment is carried into effect.

Punishment of convict overseers.

829. Whenever an overseer, received from a Central Jail, is permanently degraded, he must be retransferred to the jail from which he was received.

Retransfer of convict overseer permanently degraded.

830. These rules and others relating to a convict overseer's duties shall be translated into Hindi and printed on a separate sheet, a copy of which shall be given to every overseer on appointment and shall, if he is illiterate, be explained to him.

Rules relating to duties of convict overseers.

831. The employment of convict overseers as night guards may be allowed in any jail with the special sanction of the Inspector-General, where, owing to the arrangement of the buildings or the number of wards to be guarded, the number of paid and convict warders is insufficient for the secure guarding of the jail.

Appointment of convict overseers as night guards.

SECTION IV.—CONVICT WARDERS

832. The number of convict warders in a jail shall not exceed two per cent of the daily average population thereof.

Strength of convict warders

Qualifica-
tions
for convict
warders.

833. Every convict overseer of the casual class who has served four months in that post, shall be eligible for a convict wardership. Habitual convict overseers shall not be eligible for a convict wardership. As it is extremely dangerous to appoint as a convict warder a prisoner who has no fixed abode, or whose antecedents cannot be enquired into, it is necessary before his appointment to ascertain from the prisoner particulars as to his place of abode and of his relatives and friends living there: these details should be verified by enquiry through the District Superintendent of Police of the district in which the place of abode is situated. No life prisoner will be eligible for a convict wardership until he has completed 8 years' imprisonment excluding remission. The selection, which shall in all cases be by merit, and not by seniority, shall be made personally by the Superintendent and shall be sanctioned by the Inspector-General. In submitting the selected candidate's roll for the sanction of the Inspector-General, the Superintendent shall give his reasons for the selection that he has made.

Duties
of con-
vict warders.

834. Convict warders shall be employed within the jail walls under the same rules and on the same duties by night as well as by day as paid warders of the jail, except that they shall not be entrusted with the keys of locks in use at the main gates, cells, sleeping barracks, hospitals or other places where prisoners are confined for punishment or security. They shall have no arms of any kind except the baton allowed by paragraph 670. They shall on no consideration be allowed to go beyond the precincts of the jail, which should be carefully defined and pointed out to them by the Superintendent, and must not be allowed to mix with the paid warders in their barracks and cook-rooms. During all parades they will be given charge of a section of prisoners and will be held responsible that the prisoners do not talk unnecessarily; that they walk in line, and that they promptly obey all words of command. Any complaint preferred by a prisoner in a convict warder's section during the parade shall be conveyed by him to the officer on duty. At the opening and locking up of the jail the whole convict warder guard shall be mustered in the main enclosure, and no convict warder shall be allowed outside the main gate after lock-up. See para. 987.

Superintend-
ent's power
to degrade
convict
warders to
overseers.

835. The Superintendent shall have the power to degrade convict warders to overseer or ordinary convict. In every case the enquiry must be made by the Superintendent in person. The Superintendent may also punish a convict warder for a minor offence with loss of remission or temporary deprivation of the privilege of going outside the jail or of cooking his rations himself or of receiving a gratuity. For serious offences convict warders will be liable to additional punishment after degradation as in the case of overseers.

Application
of rules to
female
convict
warders.

836. As far as possible these rules shall apply to female convict warders; but they shall not be allowed to go outside the female enclosure. They must be locked in the female ward at night and there perform the duties of night-watch with other female convict officers. See para. 1039.

CHAPTER XVIII

REWARDS FOR GOOD CONDUCT

Rules under section 59 (21) of the Prisons Act for rewards of good conduct

See para.
981.

837. Educated prisoners who have behaved well may be allowed a book to read on Sunday or during the rest hour: provided that the books shall have been approved by the Superintendent, and that the Superintendent sanctions the indulgence. A book allowed to a prisoner shall not be given to any other prisoner; if this rule is infringed the offender shall not only forfeit the privilege of having a book, but also be liable to punishment.

Use of books
by prisoners.

838. Prisoners who have behaved well may, at their own expense, be permitted to buy such newspapers, periodicals and magazines as may be approved by Government.

C. P. &
Berar Govt.
Jail Dept.
Memc. No.
259-244-III,
d. 13-5-39.

839. Casual prisoners who have behaved well may be allowed to play such indoor and outdoor games (except card games) as may be permitted by the Inspector-General in this behalf.

840. (1) A budget grant will be placed at the disposal of the Inspector-General annually for distribution to jails, with a view to industrious convicts being rewarded.

Money grant
to reward
industry.

(2) No convict shall receive more than eight annas in any one month from this source.

Limit of the
award to
individuals.

NOTE.—Money earned by convicts under this rule shall be dealt with as prescribed in paragraph 837.

841. (1) The Superintendent may, subject to the limits of—

Award of
gratuities for
industry.

(a) the grant made for the purpose by the Inspector-General, in respect of the jail, and

(b) by the maximum monthly limit in respect of individual prisoners, prescribed by the Inspector-General,

grant to any convict a gratuity in money in respect of extra quantity or superior quality of any work done by such convict, or of his being employed to teach any handicraft:

Provided that no convict shall be eligible for any such gratuity, if he is under the remission system, unless he has been awarded three-fourths of the remission which it was possible for him to earn under the remissions rules, during the period of sentence undergone; or if he is not under the remission system unless he has passed at least three consecutive months in jail without having been punished (otherwise than by a warning) for any prison offence.

(2) No gratuity under this rule shall be granted to any convict warder for the time being in receipt of a gratuity under the rules regulating the grant of gratuities to convict warders.

Money grant
to indigent
prisoners on
release.

842. (1) A budget grant will be placed at the disposal of the Inspector-General annually for distribution to jails, with a view to enabling indigent prisoners to lead a life of honesty after release and while in quest of work.

(2) No convict shall receive more than two rupees from this fund.

Conditions
of the grant
to indigent
prisoners.

843. The Superintendent may, subject to the limits of—

(a) the grant made for this purpose by the Inspector-General, in respect of the jail, and

(b) the maximum amount which may be granted to any convict, prescribed by the Inspector-General,

grant to any convict upon his release, such sum of money as he may think necessary, for the purpose of enabling the convict to maintain himself until he can secure honest employment. Provided that no such grant shall be made to any prisoner who, at the time of his release, is in possession of a sum of two rupees or more.

NOTE.—The amount paid to a prisoner under this rule shall be over and above any sum paid to him to cover the expense of the journey to his home and subsistence allowance for the time spent on such journey. If any convict at the time of release has less than two rupees, apart from travelling and subsistence allowance, in his possession, the grant made under this rule shall not exceed an amount equal to the difference between the sum already in possession of the prisoner and the sum of two rupees. The amount granted shall always be dealt with as prescribed in paragraph 844.

Rewards to
convict
officers
for approved
service.

844. Convict night-watchmen and convict overseers/convict warders, if their duties have been performed to the entire satisfaction of the Superintendent, shall be granted an allowance of annas 2 and 4 per mensem, respectively/allowed 8 days' remission and a gratuity of annas 8 per mensem, which shall be drawn by the Jailer under the head "Supplies and Services", money payments as rewards for recapture and service; entered in the cash book and added as part of their property. Any allowance/gratuity thus awarded to them may not be withdrawn by way of punishment, as it is intended to form a fund for their use after their release from jail. The total amount of the allowance/gratuity earned under this rule shall be sent along with them if they are transferred to another jail.

CHAPTER XIX

TRANSFER OF PRISONERS FOR RELEASE

Rules under section 59 (22) of the Prisons Act for regulating the transfer of prisoners whose term of transportation or imprisonment is about to expire.

845. Every convict belonging to any of the classes specified in the table annexed to this rule shall, if confined in a jail other than the jail of the district in which he ordinarily resides, and if fit to travel be transferred, for purposes of release, at the time and to the jail specified in the said table in that behalf.

Transfer of
prisoners for
purposes of
release.

Table showing the jail to, and the time at which, convicts of each class are to be transferred under this rule:—

Class of prisoner	Purpose of transfer	Jail to which transfer is to be made	Period prior to the expiry of the substantive sentence at which the transfer is to be made
(1) Habituals of the Central Provinces and Berar*.	For release	To the jails of the district to which they belong.	Ten days.
(2) Previously convicted prisoners of the Central Provinces and Berar in respect of whom an order has been passed by the sentencing courts under section 561 (1) of Criminal Procedure Code.	Do. ..	Do. ..	Do.
(3) Females of the Central Provinces and Berar and other prisoners.	Do. ..	Do. ..	Six weeks.
(4) ———prisoners of T. Central Provinces and Berar.	Do. ..	Do. ..	One month.
(5) Indian State prisoners	Do. ..	To the jail nearest the border of the State in which the prisoner wishes to reside.	Do.
(6) European ex-military convicts.†	For trans-shipment to the United Kingdom prior to release.	To Arthur Road Prison, Bombay.	Two months before the end of trooping season or before the expiration of sentence.

*Provided that convicts who belong to wandering tribes and have no fixed abode shall be released from the Central Jail in which they are confined.

Intimation of their release, as required by paragraph 980, must be sent to the Superintendents of Police of the districts in which they were convicted.

†All expenditure incurred in connection with the transfer to Great Britain or the Colonies on release from imprisonment of European ex-military convicts, including their maintenance during their stay in the Arthur Road Prison, Bombay, pending deportation and the cost of their outfit and gratuity should be met from military estimates.

Ordinary
release of
prisoners.

846. All other prisoners shall ordinarily be released from the jail in which they are confined at the time of release, but the Government may give special orders directing that prisoners confined in any jail shall be transferred to the district in which their homes are situated and released there.

Transfer of
prisoners
unfit to
travel for
release.

847. Any convict who by reason of illness is not in a fit condition to travel at the time he would ordinarily be transferred for release but who subsequently becomes fit to travel in time to allow him to reach his destination before his sentence expires, shall be transferred when he becomes fit to travel.

Transfer of
previously
convicted
prisoners
before
release.

848. (1) In the case of previously convicted prisoners referred to in item (2) of the above table, the court passing the order causes a copy of it to be attached to the warrant with which the prisoner is sent to jail. The rules framed by the Provincial Government under section (3) of the Code above referred to, require the Superintendent of the Jail to enquire of a convict regarding whom such an order has been received in what district he intends to reside, and to transfer the convict to that district for release (if his home is in another district), as in the case of an habitual convict. The order under section 565 (1) of the Criminal Procedure Code shall be attached to, and an entry regarding it shall be made in the notice which is given to the police under paragraph 1009 prior to the release of the prisoner. An entry shall be made in red ink in the register of admissions in every case in which such an order is received and also of the date on which it is given or sent to the police prior to the release of the convict. See para. 1009.

(2) With the object of avoiding unnecessary expense and trouble to the Police Department, Jail Superintendents should arrange, as far as possible, that such retransfers are made once a fortnight. Care should be taken that transfers under this rule are not effected more than ten days before the date on which their release may be due, and that, on the other hand, sufficient time is allowed to district and subsidiary jails to arrange the preliminaries of release.

Transfer of
female
prisoners
for release.

849. When the home of a female prisoner, about to be released, is at any distance from the jail, a notice will be sent one month before her release to the magistrate of the district in which her home lies, asking him to intimate to the woman's relatives the date of such release, and to urge them to come and receive her at the jail gate. In the event of no relative appearing to receive her she shall be furnished with a railway ticket and subsistence allowance as in the case of male convicts, and cart hire for the journey that will have to be performed by road. But in exceptional cases the Superintendent may use his own discretion as to additional measures considered necessary to protect the woman on her journey.

*C. P. Govt. Notification No. 3107, dated the 27th March 1901, and (for Berar) No. 15047, dated the 18th December 1905.

850. If a P. R./T. prisoner, other than an habitual, is unfit, by reason of sickness, for transfer one month before his release, the fact should be communicated to the Superintendent of Police of the district to which the prisoner belongs and also to the local District Superintendent of Police. If the prisoner subsequently becomes fit for transfer in time to allow of his reaching the jail of his district before his release is due, he shall then be transferred. If, when ten days of his sentence remain to be served, any P. R./T. prisoner is unfit for transfer, his release notice should be sent to the local police with a note of the fact on it, and on the day of his release he should be discharged at the jail gate without further action being taken. Leper prisoners marked P. R./T. located in jails, set apart for persons so diseased, shall not be transferred to their native districts until only sufficient time is left for them to reach the jail from which they are to be released on the morning of their release or the day before release. The release notices of such prisoners shall be sent to the District Superintendent of Police of their district by the Superintendents of the leper jails.

Transfer of
P. R.
sick—
T.
prisoners
other than
habituals
before
release.

851. Application for orders of Government authorizing the transfer of European ex-military convicts shall be made to the Inspector-General in due time.

Application
for transfer
of European
ex-military
convicts
before
release.

The trooping season commences on October 1st and ends on March 31st.

852. Whenever it is intended to transfer an Indian State prisoner before release, whether with or without conditions, to the jail nearest the border of the State in which he wishes to reside, the Superintendent of the transferring jail shall report the fact of the proposed transfer to the Political Agent concerned through the District Magistrate at least six months before the date on which the actual release of the prisoner falls due, submitting at the same time a nominal roll in duplicate. Timely intimation of the anticipated release of an Indian State prisoner not electing to reside in such State should also be given to the Political Agent concerned through the District Magistrate.

Transfer of
Indian State
prisoners
before
release.

853. When a transmarine prisoner convicted in the Central Provinces and Berar and returned to the Central Provinces and Berar for release, wishes to reside after release in another province, he will ordinarily be released in the district in which he was convicted, but due notice shall be given to the Provincial Government which has jurisdiction in the district where the prisoner wishes to reside, in order that Government may, if it considers it necessary, arrange for his transfer thither prior to release. This reference shall be made through the Inspector-General and the Central Provinces and Berar Government three months before the date of the prisoner's release.

Transfer of
transmarine
prisoners
convicted in
C. P.
and Berar
before
release.

854. Care must be taken in regard to all prisoners who have to be transferred to other districts for release, likewise in the submission of release notices to the police under paragraph 1009 that full allowances is made for all remissions of sentence such prisoners are likely to earn under the remission rules.

Transfer of
prisoners to
other
districts for
release.

Appendix
VI, rule 3
(6) and (7),
to this
Manual.

See para.
980.

CHAPTER XX

TRANSFER AND DISPOSAL OF
CRIMINAL LUNATICS

Rules under section 59 (23) of the Prisons Act for the treatment, transfer and disposal of criminal lunatics or recovered criminal lunatics confined in prisons

LUNATICS

855. Persons who are supposed or are known to be of unsound mind may be detained in jails and may be divided into five classes:—

- (1) Persons who have not committed a crime and who are supposed to be lunatics placed under the observation of the Medical Officer under the provisions of the Indian Lunacy Act, IV of 1912, as subsequently amended.
- (2) Persons accused of a crime and supposed to be of unsound mind, placed under the observation of the Civil Surgeon under section 464 of the Criminal Procedure Code.
- (3) Persons accused of a crime and found incapable of making their defence owing to unsoundness of mind and detained under section 466 of the Criminal Procedure Code.
- (4) Persons acquitted after trial on the ground of insanity who have been found to have committed an act which would but for the incapacity found, have constituted an offence (section 471, Criminal Procedure Code).
- (5) Prisoners who have become insane after their conviction and admission into jail.

Persons of class (1) are denominated non-criminal lunatics, of classes (2) to (4), criminal lunatics, and persons of class (5) lunatic prisoners.

Classification of criminal lunatics.

NON-CRIMINAL LUNATICS

856. When under section 16 (1) of the Lunacy Act a magistrate authorizes the temporary detention of an alleged non-criminal lunatic in order to enable the Medical Officer to determine whether he is a person in respect of whom a medical certificate may be properly given he shall, at the time of such authorization, or as soon after as may be practicable, send to the Medical Officer a statement of the particulars prescribed in Form 10 (Central Provinces Government Notifications Nos. 1182-V and 1183-V, dated the 13th June 1925; form also reproduced in Volume II, Central Provinces and Berar Jail Manual) so far as they have been ascertained, together with an abstract of any information which may have been recorded by himself or acquired in the course of investigation.

Non-criminal lunatics.

857. The alleged lunatic will at once be examined by the Magistrate with the assistance of the Medical Officer at the place where such lunatic is detained.

Medical examination of non-criminal lunatic.

Detention of
non-criminal
lunatics.

858. Supposed lunatics are not to be detained for observation for more than ten days at a time as required by section 16 of the Indian Lunacy Act (IV of 1912); and the attention of all jail officers is invited to the undesirability of keeping persons under observation for long periods, if this can be avoided. The Medical Officer in charge shall once every week address the Magistrate or officer under whose authority in writing the person is detained on the condition of each supposed lunatic who may be under observation.

If the maximum period of 30 days prescribed under the proviso to section 16 of the said Act, expires before an order for the transfer of the alleged lunatic to a Mental Hospital or his release is received, the Superintendent shall address the Magistrate or officer under whose warrant the person is detained, pointing out that the authorized period of detention has expired and requesting that an order for the release of the person detained or his transfer to the Mental Hospital be furnished.

Maintenance
of nominal
roll and
medical
history-
sheet for
non-criminal
lunatics.

859. In every jail where non-criminal lunatics are confined there shall be maintained :—

- (a) In respect of all lunatics so confined a nominal roll in Form 13.
- (b) In respect of each lunatic so confined a medical history sheet in Form 14 wherein the events in the medical history of the lunatic together with recorded opinions as to his mental condition with dates shall be entered.

Cost of
maintenance
of non-
criminal
lunatics.

860. Non-criminal lunatics shall be entirely excluded from all statistical returns relating to jails, and the cost of their maintenance and clothing (if supplied) and transfer to the Mental Hospital shall be recovered from the court under whose authority they were received.

CRIMINAL LUNATICS

Transfer of
criminal
lunatics to
Mental
Hospital.

861. Criminal lunatics of class (3) may, at the discretion of the Magistrate or the Sessions Judge, be detained in a jail or in the Nagpur Mental Hospital; therefore when any such lunatic is detained in a jail the Superintendent should apply to the Magistrate for an order for his transfer to a Mental Hospital and in any case when a lunatic of class (2) or (3) has been detained in a jail for more than a month the case shall be reported to the Inspector-General of Prisons.

Certain
documents
to accom-
pany a
lunatic.

862. When under section 466 (2) or section 471 (1) of the Criminal Procedure Code, a Magistrate or Sessions Judge orders an accused person to be detained in safe custody in a jail, he shall send along with the lunatic to the Superintendent of the jail to which the lunatic is consigned the following papers :—

- (i) A statement of particulars in Form 10.
- (ii) A certificate in Form 11 to be obtained from the Medical Officer referred to in section 464 (1) of the said Code.
- (iii) An abstract of evidence in the case, signed by the Magistrate or the Sessions Judge.
- (iv) Copy of the finding.

- (v) If the case has been investigated or sent up by the police, the more important police papers (or copies thereof) bearing on the mental condition and history of the lunatic.

A Magistrate or Sessions Judge passing the detention order may, if it is deemed necessary, order the lunatic to be isolated.

863. When a criminal lunatic detained under section 466 (2) of the Criminal Procedure Code is, under section 473 of the said Code, certified by the Inspector-General of Prisons to be capable of making his defence, a copy of such certificate shall at once be sent to the Magistrate or Court which forwarded the lunatic in order that immediate measures may be taken for the disposal of the case while the period of sanity continues. When such lunatic is taken before such Magistrate or Court there shall be sent with him the said certificate and the following papers:—

- (a) Statement of particulars (Form 10).
- (b) The Medical Officer's certificate (Form 11).
- (c) An abstract of evidence prescribed in paragraph 862 together with the copy of finding, police papers, if any, and an abstract in Form 12 of the lunatic's medical history.

C. P.
& Berar
Jail Dept.
Memo. No.
120-72 III,
d. 6-2-42.

864. Any person ordered to be detained in safe custody in a jail under section 471 of the Code of Criminal Procedure, 1898 (V of 1898), shall be removed to the Mental Hospital, Nagpur, for detention in safe custody at that hospital.

865. When the case of a criminal lunatic detained in jail under the provisions of section 466 or 471 of the Code is reported under section 30 of the Act, by the Inspector-General of Prisons to the authority under whose order such lunatic is detained there shall be sent with the report the following papers, namely:—

- (a) An abstract of the lunatic's medical history (Form 12).
- (b) Medical history sheet (case book, Form 14).

In the case of lunatics detained under the provisions of section 471 of the Code, such authority, that is to say the Court or Magistrate, shall forward the report and these papers to the Provincial Government.

These papers will be returned by the Provincial Government to the Superintendent of the Jail unless the discharge of the lunatic is ordered.

LUNATIC PRISONERS

866. If any prisoner becomes insane after his admission to a jail, a report under section 30 (1) of Act III of 1900 regarding his case shall immediately be submitted to the Inspector-General with the view to obtaining the orders of the Government for his removal to the Mental Hospital, Nagpur. With this report shall be forwarded:—

- (a) A statement of particulars (Form 10);
- (b) A medical certificate in Form 3.
- (c) A descriptive roll (Form 107, Schedule XII-Jails), with the following particulars carefully entered:—
 - (i) Date of conviction.
 - (ii) Name of sentencing court.

Report to Inspector-General of cases of prisoners found insane after admission.

(iii) Section of offence.

(iv) Term of sentence.

Full details of the prisoner's antecedents and connections as required by the statement of particulars (Form 10) should be ascertained from the Magistrate of the prisoner's district and be carefully entered.

Removal of lunatics to Mental Hospital.

867. On receipt of a warrant or order for the removal of a lunatic to the Mental Hospital the Superintendent shall forward him to the Nagpur Mental Hospital with a copy of the warrant or order, a copy of the statement of particulars (Form 10) and a copy of the medical history record, and also, if the lunatic is a convicted prisoner, with his original warrant of imprisonment.

The Superintendent will also communicate the fact of the transfer from his jail to the Nagpur Mental Hospital to the Finger-Print Bureaus of the district where he was convicted and of the district of which he was a native.

Treatment of lunatic prisoners as non-criminal lunatics.

868. When a lunatic prisoner cannot be transferred under a Government order so as to reach the Mental Hospital before his sentence expires, he shall be detained until the expiration of his sentence, and then be treated as a non-criminal lunatic for whose transfer the Magistrate's order shall be obtained.

CARE OF LUNATICS WHEN TRAVELLING

Transfer of lunatics to Mental Hospital.

869. No lunatic shall be transferred to a Mental Hospital unless the Medical Officer certifies immediately before despatch that he is fit both mentally and physically to travel. The certificate of fitness will be sent to the Superintendent of the Mental Hospital by post. Every precaution shall be taken to secure that the lunatic is properly cared for as regards his food, clothing and bedding as directed in the rules relating to transfers (Chapter XXIII, Section IV), except that two suits of clothing shall be provided instead of one and that if the lunatic is of class (1), the clothing shall be ordinary clothing and not jail clothing.

The jail officer who despatches the lunatic is held responsible that the escort is provided with sufficient means to purchase suitable and necessary articles of diet for the use of the lunatic during his journey to the Mental Hospital and that orders are given that in case the lunatic refuses food or becomes sick he shall be taken to the nearest hospital for advice or treatment. Fetters shall not be used unless absolutely necessary.

Female lunatic to be accompanied by a female attendant or relative.

870. Every female lunatic sent to or from the Mental Hospital shall be accompanied by a female attendant or relative in addition to the usual escort. The Police Department shall, in the absence of a female relation, make arrangements for the female attendant and shall bear the travelling and other expenses incurred on behalf of the attendant.

Despatch of recovered and unrecovered criminal lunatics by rail.

871. Criminal lunatics, recovered and unrecovered when sent by rail shall not be allowed to mix with other passengers but shall be placed with their escort or attendants in a separate compartment.

RECOVERED OR UNRECOVERED CRIMINAL LUNATICS

872. Criminal lunatics confined in the Mental Hospital who have been certified to have recovered shall be transferred to the Nagpur Central Jail. They should in no case be employed as convict officers.

Treatment of recovered criminal lunatics in jails.

Within a month of the expiry of their probationary period in jail and provided there has been no recurrence of symptoms of insanity they should be transferred to the jail nearest their home.

873. Recovered female criminal lunatics will not in any case be transferred to jails.

Transfer of recovered female criminal lunatics.

874. Recovered criminal lunatics whose retransfer to jail is ordered by Government are to be dealt with on the principles contained in Appendix I to this chapter.

Retransfer to jail of recovered criminal lunatics.

875. When a recovered criminal lunatic undergoing probation in a jail has a relapse of insanity, he should be immediately returned to the Mental Hospital in anticipation of the orders of the Provincial Government and the case should be reported to the Inspector-General of Prisons. With every lunatic transferred either from the Mental Hospital to jail or *vice versa*, full details of his medical history up to date should be forwarded.

Recovered criminal lunatic undergoing probation in jail. Relapse of insanity.

GENERAL

876. Whenever a lunatic is received in a jail a certificate of receipt in Form 15 shall be given by the person in charge of such jail to the person handing the lunatic over.

Certificate of receipt of lunatic.

877. When a lunatic has been confined in a jail, if the officer-in-charge entertains any doubt as to the correctness of entry No. 18 in the prescribed statement of particulars regarding him and desires to have his own opinion tested by such facts as further enquiry may elicit, he should ask the Magistrate or Court to make further enquiries into the cause of the insanity or into any other point regarding which the information given in the statement of particulars previously furnished was obscure or obviously incorrect.

Further enquiries into the cause of insanity.

878. Whenever a lunatic is found to be dangerous, noisy or filthy in his habits he shall be confined in a cell; otherwise lunatics of classes (1) to (4) inclusive may be detained either in the jail hospital or in the undertrial prisoners' ward at the discretion of the Medical Officer. Every lunatic confined in a cell shall at all times be under strict watch; a sufficient number of specially selected convict watchmen may be told off for this duty by day and of convict overseers by night.

Confinement in cell of dangerous, noisy or filthy lunatics.

879. Every lunatic shall receive the ordinary jail dietary unless the Medical Officer otherwise directs, but non-criminal lunatics of class (1) may be supplied with food from outside the jail under the same conditions as are prescribed in the case of under-trial prisoners in paragraphs 1181 and 1182.

Diet for lunatics.

Certificate of discharge for lunatic.

880. Every lunatic on discharge shall be furnished with a certificate of discharge in Form 16 signed by the Superintendent of the Jail.

Functions of Superintendents in respect of criminal lunatics.

881. Under section 471 (2) of the Criminal Procedure Code the Government has empowered Superintendents of Jails to discharge all the functions imposed on the Inspector-General of Prisons by sections 473 and 474 in respect of persons confined in jails under sections 466 or 471 of that Code. See also section 30 (2) of the Indian Lunacy Act (IV of 1912). See para. 884.

Reports on criminal lunatics.

882. On the 1st January and the 1st July Superintendents shall forward in the prescribed form to the Inspector-General a special report under section 30 (1) of the Indian Lunacy Act (IV of 1912) on all persons confined in the jails under the provisions of Chapter XXXIV of the Criminal Procedure Code whether as unrecovered criminal lunatics or as recovered criminal lunatics on probation before release.

Inspector-General of Prisons as *ex officio* visitor of mental hospitals.

883. Under the provisions of section 28 (2) of the Indian Lunacy Act, IV of 1912, the Inspector-General is *ex officio* a visitor of all lunatic asylums (now called mental hospitals) under the Government of the Central Provinces and Berar.

Power and duties of Inspector-General with regard to lunatics.

884. Section 31 of the Indian Lunacy Act provides that the Inspector-General shall at least once in six months inspect and submit a report upon every person confined in a jail under the provisions of section 466 or section 471 of the Code; and sections 473 and 474 empower the Inspector-General to grant certificates in certain cases. See para. 881.

Transfer of criminal lunatic to the United Kingdom.

885. When the transfer of a criminal lunatic to the United Kingdom is deemed necessary, because his life or health would be endangered or permanently injured by further detention in custody in India, a report should be made to the Inspector-General who will report to the Provincial Government with a view to action being taken in accordance with the Colonial Prisoner's Removal Act, 1884 (47 and 48, Vict., Chap. 31).

Documents regarding transfers of criminal lunatic to the United Kingdom.

886. When the transfer of such lunatic to the United Kingdom is desired, a draft "Order of removal" form accompanied by a draft "Warrant of removal" form should be filled in and forwarded to the Provincial Government with a request that the Secretary of State be moved to make the necessary orders (copies of these forms appear in Appendix II to this chapter).

European lunatics to be sent to European Mental Hospital, Ranchi.

887. The Government of India have authorized Magistrates or Courts in the Central Provinces and District Magistrates in Berar to send European lunatics to the European Mental Hospital at Ranchi in the province of Bihar. No such lunatics should be actually despatched to Ranchi until it has been ascertained from the Superintendent of the European Mental Hospital that accommodation is available in the hospital.

APPENDIX I TO CHAPTER XX

Principles on which the Provincial Government will act in disposing of the cases of criminal lunatics sent up for orders

B. C. No.
XXXV. d.
1-9-1895.
I.—Medical
history-
sheet to be
called for
in every
case.

1. Final orders should not be issued unless the lunatic's papers are accompanied by the medical history-sheet.

A.—RECOVERED CRIMINAL LUNATICS

2. If the crime be against the person, the cause ganja or other intoxicant, and the type of insanity acute or chronic mania, a period of three years should be spent in a mental hospital free from all signs of insanity before any action is taken.

II.—Crime.
Offence
against
person.
Cause—
Ganja, etc.
Type—
Acute or
chronic
mania.

(a) At the end of that time if under 40 years of age and in good physical health, the lunatic should be transferred to the nearest central or other jail to undergo a period of probation of six years.

(a) Age
under 40
years.

(b) If over 40 years of age, or in poor physical health, the period of probation in jail may be shortened according to the circumstances of crime and nature of security offered.

(b) Age over
40 years.

In any case security should, if possible, be taken on the expiry of his period of probation in jail.

3. If the crime be an offence against the person and the type of insanity be acute or chronic mania, the alleged cause not being ganja or other intoxicant, a period of at least four years of complete freedom from insanity should be spent in a Mental Hospital before action is taken.

III.—Crime.
Offences
against
person.
Cause—Not
Ganja, etc.
Type—
Acute or
chronic
mania.

(a) At the end of that time, if the lunatic be under 40 years of age and in good physical health, he may be transferred to jail to undergo a probation of four years.

(a) Age
under 40
years.

(b) If over 40 years of age, the period of probation in jail might be shortened, according to the circumstances of lunatic's health and surety. Security should, if possible, be taken before his final release from jail supervision.

(b) Age over
40 years.

IV.—Crime.
Not offence
against
person,
but mental
attitude
aggressive.
Type—
—Acute or
chronic
mania.

4. If the crime be not an offence against the person, but the lunatic has at any time exhibited dangerous or violent tendencies, and the type of insanity is acute or chronic mania, he should be treated exactly as above, except that the period of probation in jail may be shortened in accordance with the kind and degree of violence exhibited; provided that in ganja cases the period spent in jail should not be less than three years and in non-ganja cases two years. This period should be spent free from all signs of insanity before any action is taken. In all cases security should, if possible, be taken on final release.

V.—Crime.
Not offence
against the
person, or,
if so, trivial
in its
nature
mental
attitude not
aggressive.

5. If the crime be not an offence against the person, and there be no history that the lunatic was at any time aggressive, he may generally be treated much as if he were a non-criminal lunatic. The Provincial Government will generally be guided in such cases by the recommendations of the visitors and of the Superintendent of the Mental Hospital in which the lunatic has been confined.

VI.—Crime.
Murder.
Type—
Melan-
cholia.

6. If the type of insanity be melancholia, a period of at least six years' complete freedom from insanity should be passed in a Mental Hospital before action is taken. During the last year of this period the recovered criminal may be allowed access to the bazar under proper control.

(a) Age
under 40
years.

(a) If at the end of that period he is still under 40 years of age, he should not be released, except on satisfactory security.

(b) Age over
40 years.

(b) If over 40 years of age, security should, if possible, be obtained.

VII.—
Crime.
Attempted
suicide.
Type—
Melancholia

7. If the crime be not murder but an attempt to commit suicide, the type melancholia, and if the lunatic has not exhibited any violent tendencies while (under observation, some relaxations of the rules may be permitted according to circumstances of age, period of detention, etc.

Cases of melancholia should not be sent to jail to pass a period of probation.

B.—UNRECOVERED CRIMINAL LUNATICS

VIII.—
Crime.
Offence
against
person.

8. If the crime be an offence against the person, and the type of insanity be chronic mania of the irritable aggressive kind, it will seldom be possible to release the lunatic during the continuance of insanity, except in advanced age and on exceptional security.

(a) Type—
Irritable
chronic
mania.

(b) Type—
Chronic
mania.

If the crime be an offence against the person, and the type of insanity be chronic mania of the amiable kind, the lunatic may be released after passing six to ten years in that condition, but only on security.

If the lunatic be below 40 years of age, detention should generally be for ten years; if over 40 years of age, six years should suffice.

9. If the crime be not an offence against the person, or if it be an offence of a trivial nature against the person and the lunatic has never exhibited aggressive symptoms, he may generally be treated much as if he were a non-criminal lunatic, and the Provincial Government, when dealing with his case under section 474, will be guided chiefly by the recorded opinion of the Superintendent of the Mental Hospital as to the propriety of releasing him, and by the recommendations of the visitors.

IX.—Crime.
Not offence
against the
person, or,
if so, trivially
in its nature
mental
attitude not
aggressive.

(a) If his mental attitude be chronic mania, characterized by good humour, cheerfulness, and amiability, and he be able to earn a livelihood, he may ordinarily be released with or without security.

(a) Type—
Chronic
mania.

(b) If it be chronic dementia or imbecility of slight degree, he may be released on similar conditions.

(b) Type—
Slight
chronic
dementia.

(c) If he be suffering from chronic mania of the irritable mischievous type or chronic dementia of a more pronounced character, he may still be released, but only on satisfactory security that he will be properly cared for and prevented from doing injury to himself or others.

(c) Type—
Irritable
chronic
mania or
pronounced
dementia.

(d) If the chronic mania be of inveterate type, or the dementia or imbecility of the last degree, the lunatic can only be safely and humanely treated in Mental Hospital.

(d) Type—
Worst
degree of
chronic
mania,
dementia,
or imbecility.

APPENDIX II TO CHAPTER XX

Forms of order and warrant for removal of European lunatics to England

V.—ORDER OF REMOVAL OF A CRIMINAL LUNATIC *Colonial Prisoners Removal Act, 1884*

Whereas A, B, is in custody in the colony [or presidency, or] of as a criminal lunatic, having been charged with the offence of , and found to have been insane at the time of such offence [or to be unfit on the ground of insanity to be tried for such offence] [or having been convicted of the offence of (and sentenced to penal servitude or imprisonment, or) for the term of years from the day of 19 (or for life), and afterwards certified (or lawfully proved) to be insane].

And whereas it is likely that the life [or health] of the said A. B. will be endangered [or permanently injured] by further detention in custody in the said colony [or presidency, or]

[Or the said A. B. belonged at the time of the said offence to the Royal Navy (or to His Majesty's regular military forces).]

[Or the said offence was committed wholly (or partly) beyond the limits of the said colony (or presidency, or)].

[Or by reason of there being no asylum in the said colony (or presidency, or) in which the said A. B. can be properly or conveniently detained and dealt with as a criminal lunatic, his removal to the United Kingdom or to the colony (or presidency, or of) is expedient.]

[Or the said A. B. belongs to a class of persons who, under the law of the said colony or presidency, or are subject to removal under the Colonial Prisoners Removal Act, 1884.]

Now I do hereby, in pursuance of the Colonial Prisoners Removal Act, 1884, with the concurrence of the Government of the said colony [or presidency, or] [and the Government of the colony (or presidency, or of) order that the said A. B. be removed to the United Kingdom [or to the colony (or presidency, or) or] there to be retained in custody as a criminal lunatic, and dealt with in the same manner as if he had there become a criminal lunatic.

Given under the hand of the undersigned, one of His Majesty's Principal Secretaries of State this day of 19 .

I, , the Governor [or Lieutenant-Governor, or officer administering the Government] of the colony [or presidency, or] of with the advice of the Executive Council of the said colony [or presidency, or]

[And I, , Governor, or Lieutenant-Governor, or officer administering the Government] of the colony [or presidency, or], of with the advice of the Executive Council of the said colony [or presidency, or] hereby concur in the foregoing order of removal.

As witness my hand [our hands] this day of 19 .

VII.—WARRANT FOR REMOVAL OF A CRIMINAL LUNATIC

Colonial Prisoners Removal Act, 1884

To C. D. keeper of Mental Hospital and to E. F. and G. H.

Whereas an order has been made, under the Colonial Prisoners Removal Act, 1884, by one of His Majesty's Principal Secretaries of State, with the concurrence of the Government of the colony or [or presidency,] of [and the Government of the colony (or presidency, or of)] for the removal of A. B., a criminal lunatic

now in the custody of you, the said *C. D.* to the United Kingdom [or the said colony (or presidency, or) of], to be there dealt within the same manner as if he had become a criminal lunatic in the United Kingdom [or the said colony (or presidency, or) of].

Now I do hereby, in pursuance of the said Act, order you, the said *C. D.*, to deliver the body of the said *A. B.* into the custody of the said *E. F.* and *G. H.*, or one of them; and I do hereby, in further pursuance of the said Act, authorize you, the said *E. F.* and *G. H.* or either of you to receive the said *A. B.* into your custody, and to convey him to the United Kingdom [or to the colony (or presidency, or) or], and to deliver him to such persons as shall be empowered by one of His Majesty's Principal Secretaries of State [or the Governor of the said colony (or presidency, or)] to receive him for the purpose of giving effect to the said order of removal.

Given under the hand of the undersigned, one of His Majesty's Principal Secretaries of State (or the Governor of) this day of 19 .

CHAPTER XXI

TRANSMISSION OF APPEALS AND PETITIONS

Rules under section 59 (24) of the Prisons Act for regulating the transmission of appeals and petitions from prisoners and their communications with their friends

SECTION I.—APPEALS AND PETITIONS

The languages declared to be court languages are specified in Judicial Commissioner's Court Circular No. (Criminal).

888. Necessary writing materials will be furnished to prisoners desirous of appealing. For prisoners who cannot write, the Jailer will write everything requisite, that is to say, either applications for copy of judgment or order, or letters to friends or counsel concerning the appeal, or the petition of appeal, when assistance in writing it from friends or counsel is not forthcoming. These services are to be gratuitously rendered, but jail officials shall not write petitions for convicts or their friends, without the permission of the Superintendent.

Writing materials to prisoners desirous of appealing.

889. Petitions of appeal may be presented either to the Superintendent by the prisoner himself, or to the Court of appeal by the hands of a pleader. The prisoner should be informed that should he desire to be represented by counsel in the appellate Court, the counsel must appear in that Court within seven days of the filing of the petition of appeal. The term "pleader" includes a mukhtiar or other person appointed with permission of the Court to act in any criminal proceedings.

Presentation of petitions of appeal by prisoners.

890. The appointment of a pleader must be in writing signed by the prisoner, whose signature must be attested by the Superintendent.

Appointment of a pleader by prisoner.

See para. 911.

891. Prisoner's friends or counsel will be allowed to communicate with prisoners for the purpose of assisting them to prepare their petitions of appeal.

Permission to prisoner's friends for counsel to communicate with prisoners regarding petitions of appeal.

See Judicial Commissioner's Criminal Circular No. exempting copies for translations of judgments from payment of fees under Court Fees Act, VII of 1870

892. Except under the circumstances noted in paragraph 893 below no petition of appeal will be accepted by the Superintendent unless it is accompanied by a copy of the judgment or order appealed against. Only a single copy of the judgment or order need accompany the petition of appeal of several prisoners convicted together at the same trial. An application by a prisoner for a copy of a judgment or order will at once be forwarded either to the District Magistrate of the district in which, or to the Court of Sessions by which, the judgment or order was passed, according as the judgment or order of which a copy is desired is that of a Magistrate or of a Sessions Judge. When, however, one application for a copy of judgment or order has been forwarded to the District Magistrate or Court of Sessions, any application subsequently received from a prisoner who has been convicted at the same trial need not be forwarded unless the applicant wishes for a copy for his personal use.

Appeal to be sent without copy of judgment in the case of prisoner under sentence of death.

893. If a prisoner under sentence of death has applied for a copy of judgment and for some reason the delivery to him of the copy is delayed so that he cannot prepare his petition of appeal thereon and present it to the Superintendent within the period of seven days allowed to him by law, the Superintendent should, on the 7th day after sentence, enquire of the prisoner whether he desires to appeal and should forward to the High Court of Judicature a simple statement of the reply given, signed by the prisoner, and should note thereon that copy of the judgment had been applied for but had not been obtained in time. The prisoner's wishes in regard to the appeal should also be noted in his history-ticket. See para. 1090.

Presentation of appeal from prisoners under sentence of death and from other prisoners.

894. Every appeal from a sentence of death presented to the Superintendent will be forwarded by him direct to the High Court of Judicature. All other appeals received by him from prisoners will be sent at once to the Deputy Commissioner of the district in which the sentence was passed, for transmission to the proper appellate authority. Except as provided in paragraph 893 the Superintendent has not to take account of the barring of appeals by limitation.

Date of application for copy of judgment.

895. When forwarding a petition of appeal to the proper appellate authority the Superintendent will note upon it the dates on which the prisoner—

- (1) made application (if any) from the jail for a copy of judgment or order accompanying the petition;
- (2) obtained the copy;
- (3) presented the petition and copy to the Superintendent under section 420, Code of Criminal Procedure;
- (4) and will certify thereon that—
 - (a) the prisoner does or does not desire to be represented at the hearing, as the case may be,
 - (b) the prisoner, if he desires to be represented, has been informed of the necessity for arranging that appearance may be put in within the prescribed period of seven days.

Date of hearing to be sent to jail when appeal is admitted. Appellate court to send a fresh warrant when a sentence is reversed.

896. When an appeal is admitted, notice of the date of hearing will be sent to the jail. The prisoner's signature having been taken thereon and attested by the Superintendent, the notice will be returned to the Court.

897. In every case in which a sentence is reversed or modified on appeal the appellate court shall prepare a fresh warrant in accordance with the terms of the order passed and shall send the same to the officer in charge of the jail in which the appellant is confined. It shall at the same time recall and cancel the original warrant and shall forward it to the original court to be attached to the record. The fresh warrant when returned with an endorsement of execution will be similarly dealt with. Provided that if an appellant has been released on bail pending the hearing of his appeal the fresh warrant shall not be sent to

the Superintendent of the Jail until the prisoner has surrendered, and it shall be the duty of the appellate Court either directly or through the Court by which the order of release on bail was actually issued, to take measures to secure his surrender.

NOTE.—When a sentence is modified or reversed in appeal by the High Court of Judicature, the warrant shall be signed and issued by the Court to which the appellate judgment or order is certified under section 425, Criminal Procedure Code:

Provided that if it is shown that delay in the release of a prisoner would otherwise be caused, the warrant may be issued direct by the High Court of Judicature and the fact intimated to the lower Court.

C. P. & Berar
Govt., Jail
Dept. Memo
No. 670-
582-III,
d. 28-10-39.

898. When a sentence is suspended, remitted or commuted under section 401, 402 or 402-A of the Code of Criminal Procedure, 1898 (V of 1898), the Court which passed the sentence shall issue a supersession warrant to the Superintendent of the Jail where the prisoner is in confinement.

899. If the result of an appeal is not communicated to the Superintendent within one month, or in the case of the High Court, within six weeks of the date on which the appeal was submitted, the Superintendent shall send a reminder to the Sessions Court or to the Magistrate of the district, as the case may be, enquiring what has been the result of the appeal, and thereafter shall repeat the enquiry at reasonable intervals: Provided that when the appellate Court is the High Court of Judicature the enquiry should be made from the Court from whose order the appeal was preferred.

Result of
appeal.

900. When an appellate Court annuls a sentence and directs that the prisoner shall be retried, and a warrant for the prisoner's release on bail is not received, the prisoner shall be remanded to the under-trial ward (unless he be undergoing some other sentence), and the Superintendent shall apply to the Court for a warrant for his custody, pending trial if such warrant is not at the same time furnished. Such warrant should set forth the Court by which the prisoner is to be tried, and the date on which he is to be produced before the Court.

Remand to
under-trial
ward.

See para.
228.

901. If a prisoner sentenced to whipping in addition to imprisonment appeals, the sentence of whipping shall not be carried out until the result of the appeal is known.

Sentence of
whipping not
to be carried
out until the
result of
appeal is
known.

NOTE.—When delay occurs in receipt of intimation of the result of appeal, and there is a fear of the prisoner being released without the sentence of whipping being carried out, enquiry should be made as to the result of the appeal, at least a week before the date on which the term of imprisonment expires and instructions asked as to the carrying out of the sentence of whipping.

902. Any petition presented by the prisoner for revision of a sentence from which no appeal lies, or from which an appeal has been made and dismissed by a Court subordinate to the High Court of Judicature, shall be forwarded by the Superintendent

Presentation
of petition for
revision of
sentence
from
which no
appeal lies.

direct to the High Court of Judicature, the following particulars being noted on it:—

- (1) Name of the sentencing authority.
- (2) Section under which convicted.
- (3) Date of sentence.
- (4) Term and nature of sentence.
- (5) Whether any appeal was preferred against the order or sentence, and, if so, to whom, and with what result.
- (6) Date of decision of appeal (if any).

Such petitions must be drawn up similarly to a petition of appeal, but no copy of any judgment or order need accompany them.

903. When a petition for revision has been rejected by the High Court of Judicature no second petition in respect of the same sentence shall be forwarded.

904. When a sentence is revised by the High Court of Judicature the result of the application for revision shall be notified direct to the Superintendent of the Jail by the Court from whose order the petition for revision was preferred, and that Court when necessary shall prepare a fresh warrant.

905. Every petition for mercy from prisoners other than condemned prisoners shall be forwarded by the Jail Superintendent through the District Magistrate concerned, for the orders of the Government. When once such a petition for mercy has been rejected, a second petition need not be forwarded, provided that prisoners whose sentence is not less than five years shall be allowed a second petition for mercy, after half the sentence in the case of casuals, and three-fourths in the case of habituals, excluding remission, is served. The Jail Superintendent when forwarding such petitions will state the period of remission earned and report on the conduct of the prisoner in jail.

906. The following instructions relate to the duties of Superintendents of Jails in connection with petitions for mercy from or on behalf of convicts under sentence of death:—

I. Immediately on receipt of a warrant for execution consequent on the confirmation by the High Court of Judicature at Nagpur of a sentence of death or of intimation of the dismissal by the Federal Court of his appeal, or of intimation of the dismissal by the Judicial Committee of the Privy Council of his application for special leave to appeal, or of the breaking down of his application for special leave to appeal at any of the intermediate stages referred to in Instruction VIII (b), VIII (d) or X (c), in case the convict has made no previous petition for mercy the Jail Superintendent shall inform the

Second petition for revision to the High Court of Judicature not permissible. Court revising a sentence to communicate result to Superintendent, Jail.

Instructions for dealing with petition for mercy from prisoners other than condemned prisoners.

Duties of Superintendents of Jails in connection with petitions for mercy from or on behalf of convicts under sentence of death.

C. P. Govt. Jail Dept. No. 207-V-(a), d. 12-5-34.

No. 231-40-G. G. (B)-1, d. 28-3-41, from the sectt. of the G. G. (Public).

convict concerned that if he desires to submit a petition for mercy it should be submitted in writing within seven days after, and exclusive of, the date on which the convict has been so informed.

NOTE.—Where a certificate has been granted to a convict under section 205 of the Government of India Act, 1935, the execution shall be postponed until the expiry of the period of appeal and if an appeal is filed within that period, or after the expiry of that period and intimation is received of its admission by the Federal Court before the sentence is carried out, until disposal of the appeal by the Federal Court.

II If the convict submits a petition within the period of seven days prescribed by Instruction I, it should be addressed both to the Provincial Government and to the Governor-General, and the Superintendent of the Jail shall forthwith despatch it to the Secretary to Government, Central Provinces and Berar, Judicial Department (hereafter referred to as Judicial Secretary), together with a covering letter reporting the date fixed for the execution, and shall certify that the execution has been stayed pending receipt of the orders of the Government on the petition. If no reply is received within fifteen days from the date of the despatch of the petition, the Superintendent shall telegraph to the Judicial Secretary drawing his attention to the fact, but he shall in no case carry out the execution before the receipt of a reply from the Judicial Secretary.

(C. P. Govt. Jail Dept. letter No. 167-196-V (a), d. 12-4-29.) NOTES.—(1) All petitions and all subsequent correspondence relating thereto will be submitted to the Judicial Secretary at Nagpur when he is at headquarters.

(2) When the Judicial Secretary is away from Nagpur all petitions and all subsequent correspondence relating thereto should be addressed to the Judicial Secretary in accordance with the instructions issued by the Judicial Department. The movements of the Judicial Secretary from and to Nagpur will be communicated to the High Court of Judicature at Nagpur and the Superintendents of Jails by the Judicial Department.

(C. P. Govt. Jail Dept. letter No. 503-420-V (a), d. 15-11-28.) (3) If it is clear that orders on the petition will not reach the Superintendent of the Jail seven days before the date of execution fixed by the Sessions Court, the date shall be re-fixed by Government so that the execution may take place not earlier than seven days after the receipt of orders.

III. If the convict submits a petition *after* the period prescribed by Instruction I, the Superintendent of the Jail shall at once forward it to the Judicial Secretary, and at the same time telegraph the substance of it, requesting orders whether the execution should be postponed and stating that, pending a reply, the execution will not be carried out. If such petition is, however, received by the Superintendent later than noon on the day preceding that fixed for the execution, he shall at once forward it to the Judicial Secretary and at the same time telegraph the substance of it, giving the date of execution and stating that the sentence will be carried out unless orders to the contrary are received.

IV. If the convict submits a petition for mercy addressed to His Majesty the King-Emperor or the Secretary of State, the Superintendent shall at once forward it to the Judicial Secretary

and shall at the same time telegraph to him the substance of the petition and the date of execution.

He shall not further postpone execution unless specially ordered by the Provincial Government.

N. B.—(1) The covers containing petitions or correspondence on the subject of petitions shall have printed or stamped on them in red ink in bold type the words *Appeal for mercy* and shall also be printed or stamped the word *Immediate*.

(2) Notwithstanding anything contained in the above instruction, execution shall not take place on a Sunday or a day which is declared to be a public holiday under the Negotiable Instruments Act, 1881.

V. In the event of its coming to the knowledge of the Superintendent at any time before the execution of the sentence that altogether exceptional circumstances have arisen which plainly demanded a reconsideration of the sentence, he is at liberty, notwithstanding anything in the foregoing instructions, to report the circumstances by telegraph to the Judicial Secretary and ask for the Provincial Government's orders and to defer execution till the orders are received.

VI. The Superintendent shall at once repeat back to the Judicial Secretary all telegrams communicating orders to him regarding petitions for mercy, by way of acknowledgment of their receipt.

VII. The following procedure will be followed in communicating orders on these petitions to, and in sending acknowledgments therefor by, the Superintendent:—

- (a) Orders in cases in which the petition is rejected will be communicated and acknowledged by registered post.
- (b) Orders in cases in which the death sentence is commuted or remitted will be communicated and acknowledged by telegram.

NOTE.—When orders are to be communicated from the Judicial Department C. P. and at Nagpur to the Central Jail, Nagpur, they will be sent and acknowledged either Berar Govt., through station dak book or by registered post.

Judl. Dept.,
Memo. No.
1359-1273-
XIX,
d. 16-6-39.

VIII. (a) If intimation is received from, or on behalf of C. P. and a convict, that it is intended to apply to the Judicial Committee Berar Govt., of the Privy Council for special leave to appeal, the execution Judl Dept., is postponed and a date, three weeks later, is fixed, before Memo. No. which proof must be furnished to the Provincial Government or 944-690- to an officer specially authorized in this behalf that the neces- XIX, d. 15-3-38. sary instructions and funds have been sent by air mail to a firm of Solicitors in London and the necessary papers by registered ordinary mail. The instructions must require the Solicitors to inform the Assistant Solicitor at the India Office of the receipt of instructions and to act on certified papers lent by that authority. The convict and his adviser are informed of the date so fixed and the papers and funds which must be sent; and

also where the applicant indicates his intention of applying *in forma pauperis* of the procedure relating to such applications as set out in Instruction X below. They are informed at the same time that unless the application for special leave is lodged in the Privy Council Office before a further date, fixed by the Secretary of State and communicated to the firm of Solicitors intimation will be received from the India Office, and the execution will not be further postponed.

NOTE (i).—If sentences of death have been passed on more than one person in the same case, and if intimation is received from, or on behalf of, only one or more but not all of them of an intention to apply for leave to appeal to the Privy Council, the execution of the sentence shall be postponed not only in the case of the person or persons from whom, or on whose behalf, such intimation has been received but also in the case of the other person or persons from whom, or on whose behalf, no such intimation has been received.

NOTE (ii).—The necessary funds will be a minimum of 50 guineas if one Counsel is engaged, but will be 80 to 100 guineas if the record is bulky or more than one Counsel is engaged. The convict and his adviser should, therefore, be advised, on receipt or intimation of intention to apply for special leave, that 50 guineas (say, Rs. 700) must be sent by the date fixed, and that it is not unlikely that 30 to 50 guineas (say, Rs. 420 to Rs. 700) more will be required.

NOTE (iii).—The necessary papers will include two copies of the printed paper book, and two further copies of the judgment, etc., of the High Court on appeal.

NOTE (iv).—Whenever an intimation is received of the intention of a person condemned to death to apply to the Judicial Committee, three copies of the paper book and of the judgment of the High Court are forthwith addressed directly by the Provincial Government to the Legal Adviser at the India Office, one copy of each being a certified copy. One of such sets of papers shall be sent by the first available air mail.

NOTE (v).—During the present war, in order to provide against the possible loss of documents in transit, the convict and his adviser should be instructed to send funds by means of a bank draft only; and the proof required to be furnished regarding the despatch of necessary instructions and funds by air mail shall be deemed to include proof of despatch of a duplicate copy of the instructions and of the bank draft to the Solicitors in London by the air mail next subsequent to the air mail by which the originals were sent.

(b) If proof is not furnished before the date fixed that the necessary papers, instructions and funds have been sent to a firm of Solicitors in London, the execution is not further postponed unless the Provincial Government is satisfied that the delay is due to no fault of the convict or his adviser. If, in any special case the Provincial Government for this reason allows an extension of the date for furnishing of proof, the further date within which proof must be furnished is intimated to the convict or his adviser.

(c) If proof is furnished before the date fixed, the convict or his adviser is required to intimate the name of the firm of Solicitors to whom the papers, instructions and funds have been sent and the registered numbers of the packages containing such papers, instructions and funds, and the name of the firm, the date of the despatch of the papers, etc., and the registered numbers of the packages are communicated to the India Office by telegram directly by the Provincial Government, a copy

being sent to the Secretary to the Governor-General (Public) for information.

NOTE (i).—In the interests of brevity the telegram should be drafted so as to give the required information under the four headings (a), (b), (c), and (d), these representing (a) Name of Solicitors ; (b) Name(s) of condemned prisoner(s) and whether the case is in *forma pauperis* ; (c) Date(s) of despatch of funds and of papers ; and (d) Registered number(s) of package(s). A model telegram would run as follows :—

From—Chief Secretary to the Government of the Punjab,

To—Secretary of State.

Privy Council Death Sentence Petition

(a) H. S. L. Polak & Co.

(b) Indarsingh, son of Nathasingh, and Harditsingh, son of Nahalsingh, paupers.

(c) 14th January 1944.

(d) A. 185, A. 186.

NOTE (ii).—If proof is furnished that the necessary papers and instructions but less than the minimum funds referred to in Instruction VIII (a), Note (ii), have been sent to a firm of Solicitors in London, the Provincial Government shall forthwith telegraph to the India Office the names of the convict and such solicitors.

(d) After proof is furnished that the necessary papers, instructions and funds have been sent to London, the execution is except in cases under Instruction X (c) postponed until intimation is received by the Provincial Government from the India Office that the application for special leave has not been lodged in the Privy Council Office by the date fixed, or by such date as the Secretary of State may have decided to extend the date to, or that the application has been dismissed by the Judicial Committee.

IX. (a) On receipt of the telegram referred to in the Note to Instruction VIII (c) above enquiries will be made by the India Office of the prisoner's solicitors whether they are prepared to proceed with the case, and, on receipt of a reply, that the firm of Solicitors will proceed the Secretary of State will fix a date by which the application must be lodged at the Privy Council Office. This date will be communicated to the prisoner's Solicitors and telegraphed to the Provincial Government. If the Solicitors do not reply that they will proceed, the Provincial Government will be informed by telegram and execution will not be further delayed.

(b) When a petition has been lodged in the Privy Council the India Office will inform the Provincial Government of the fact by telegram.

(c) The India Office will inform the Provincial Government of developments in the Privy Council in any case which presents unusual features. This information should be communicated on receipt to the Secretary to the Governor-General (Public).

(d) The India Office will communicate to the Provincial Government by telegram the result of an application to the Privy Council for special leave to appeal, and the Provincial Government will immediately forward a copy of the telegram by post to the Secretary to the Governor-General (Public). The India Office will also forward, in due course, a copy of the Order-in-Council to the Provincial Government by ordinary mail.

C. P. &
Berar Govt.,
Judl. Dept.
Memo.
No. 944-699-
XIX,
d. 15-3-38.

X. (a) In furnishing proof that he has despatched the necessary papers to a Solicitor in London, a petitioner who intends to make application *in forma pauperis* under Rule 8 of the Procedure Rules of the Judicial Committee of the Privy Council, shall also furnish proof of despatch by air mail of an Affidavit or Affirmation made by himself stating that he is not worth £25 in the world except his wearing apparel, accompanied by a certificate of Counsel that the petitioner has reasonable grounds of appeal. Thereupon proof of the despatch of funds as required by Instruction VIII (a) shall not be required.

(b) The Affidavit or Affirmation of means referred to in the preceding clause (a) shall, if made in a language other than English, be accompanied by an English translation verified by Affidavit or Affirmation of the person making the translation.

(c) Such a petitioner and his advisers shall be informed that Solicitors in London are under no obligation to act in a case *in forma pauperis*. The Solicitor instructed by them must be instructed by air mail and be required to inform the Assistant Solicitor, India Office, in writing, whether he intends to act or not. If the India Office receives no such consent, or receives intimation that the Solicitor instructed is unable to act, the Provincial Government will be informed by telegram and the execution will not be further delayed.

NOTE—During the present war a petitioner furnishing under Instruction X (a) proof of despatch of the Affidavit or Affirmation accompanied by certificate of counsel, shall, in order to provide against the possible loss of the original in transit, at the same time supply the Provincial Government with a duplicate of such Affidavit or Affirmation and with a duplicate of such certificate and, where the Affidavit or Affirmation is in a language other than English, a duplicate of a translation of that document verified by Affidavit or Affirmation of the person making the translation. The Provincial Government shall despatch by the first available air mail a certified copy of such duplicates to the Legal Adviser at the India Office.

C. P. &
Berar Govt.,
Judl. Dept.
Memo. No.
1072-1030-
XIX,
d. 2-7-41.

XI. In every case where the India Office has been informed of the postponement of execution of a sentence owing to the convict's intention to apply to the Privy Council for special leave to appeal, the India Office must also be informed in due course by telegram that the sentence has been carried out or has been commuted, as the case may be.

No. 231-40-
G. G. (B),
d. 28-3-41,
from the
Secretariat
of the G. G.
(Public).

907. The following instructions relate to the procedure to be observed by the Provincial Governments for the submission

of petitions for mercy from or on behalf of convicts under sentence of death, and for dealing with applications for special leave to appeal to the Judicial Committee of the Privy Council:—

Instructions regarding the procedure to be observed by Provincial Governments for the submission of petitions for mercy from or on behalf of convicts under sentence of death and for dealing with applications for special leave to appeal to the Judicial Committee of the Privy Council.

I. A convict under sentence of death shall be allowed for the preparation and submission of a petition for mercy, seven days after, and exclusive of, the date on which the Superintendent of the Jail has informed him of the confirmation by the High/Chief/Judicial Commissioner's Court of the sentence passed on him, or of the dismissal by the Federal Court of his appeal, or of the dismissal by the Judicial Committee of the Privy Council of his application for special leave to appeal or of the breaking down of his application for special leave to appeal at any of the intermediate stages referred to in Instructions X (b), X (d) or XII (c) in case the convict has made no previous petition for mercy.

NOTE.—Where a certificate has been granted to a convict under section 205 of the Government of India Act, 1935, the execution shall be postponed until the expiry of the period of appeal and, if an appeal is filed within that period, or after the expiry of that period and intimation is received of its admission by the Federal Court before the sentence is carried out, until the disposal of the appeal by the Federal Court.

II. If the convict submits a petition within the above period it shall be addressed both to the Provincial Government and to the Governor-General and the execution shall be postponed pending receipt of their orders.

III. The petition shall be sent to the Provincial Government in the first instance and if after consideration the Provincial Government rejects it, it shall be forwarded to the Secretary to the Governor-General (Public). In case, however, the Provincial Government decides to commute the sentence, the petition to the Governor-General shall be withheld and intimation of the fact shall be sent to the petitioner.

IV. If the convict submits a petition *after* the period prescribed by Instruction I, it will be within the discretion of the Provincial Government to consider the petition and to postpone execution, and also to withhold or not to withhold the petition addressed to the Governor-General, whether the Provincial Government considers the petition addressed to it or not. In the following circumstances, however, the Provincial Government shall forward such a petition to the Secretary to the Governor-General (Public) whether it considers the petition or not, and shall simultaneously postpone execution pending the receipt of the orders of the Governor-General:—

- (1) If the sentence of death was passed by an appellate court on an appeal against the convict's acquittal,

or on an application for enhancement of sentence which has been preferred by the Provincial Government, or as a result of an enhancement of sentence by the appellate court on its own motion; or

- (2) when there are any circumstances about the case which, in the opinion of the Provincial Government, render it desirable that the Governor-General should have an opportunity of considering it. Such cases would include those of a political character, and cases in which for any special reason considerable public interest has been aroused.

V. The Provincial Government shall withhold a petition submitted by a convict when a petition containing a similar prayer has already been submitted to the Governor-General. The petitioner shall be informed of the fact that the petition has been withheld and of the reason for withholding it.

VI. In all cases in which a Provincial Government submits a petition for mercy from a convict under sentence of death to the Governor-General it should forward, with the records of the case, its observations in respect of any of the grounds urged in favour of commutation, and, if it had previously rejected any petition addressed to itself, a brief statement of the reasons therefor.

VII. The Provincial Government shall transmit petitions for mercy, along with the records of the case, to the Secretary to the Governor-General (Public) as expeditiously as possible; and upon receipt of the Governor-General's orders shall immediately send an acknowledgment in the same manner as is used for communicating the orders. In the case of the Government of Assam the orders are communicated by telegram and receipt should be acknowledged by telegram. In the case of other Provincial Governments the orders, if the petition is rejected, are communicated by express letter and receipt should be acknowledged by express letter. Orders commuting the death sentence are communicated by telegram in all cases and receipt should be acknowledged by telegram.

VIII. If the convict submits a petition addressed to His Majesty the King-Emperor or the Secretary of State, the Provincial Government may dispose of it on its own responsibility when a previous petition has already been addressed to the Governor-General, or the period prescribed in Instruction I above for the presentation of such a petition has expired. In other cases a petition addressed to His Majesty or to the Secretary of State should be treated as addressed to the Governor-General and forwarded to the Secretary to the Governor-General (Public). The Governor-General may withhold any such petitions.

IX. Petitions for mercy submitted on behalf of a convict under sentence of death shall be dealt with in the manner provided by these Instructions for dealing with a petition from the convict himself. A petitioner on behalf of a condemned convict

shall be informed of the orders passed in the case. If the petition is signed by more than one person it will be sufficient to inform the first signatory. The convict himself shall also be informed of the fact that a petition has been submitted on his behalf and of the orders passed.

X. (a) If intimation is received from or on behalf of a convict, that it is intended to apply to the Judicial Committee of the Privy Council for special leave to appeal, the execution is postponed and a date, three weeks later, is fixed, before which proof must be furnished to the Provincial Government or to an officer specially authorized in this behalf that the necessary instructions and funds have been sent by air mail to a firm of Solicitors in London and the necessary papers by registered ordinary mail. The instructions must require the Solicitors to inform the Assistant Solicitor at the India Office of the receipt of instructions and to act on certified papers lent by that authority. The convict and his adviser are informed of the date so fixed and the papers and funds which must be sent; and also where the applicant indicates his intention of applying *in forma pauperis* of the procedure relating to such applications as set out in Instruction XII below. They are informed at the same time that unless the application for special leave is lodged in the Privy Council Office before a further date fixed by the Secretary of State and communicated to the firm of Solicitors intimation will be received from the India Office, and the execution will not be further postponed.

NOTE (i).—If sentences of death have been passed on more than one person in the same case, and if intimation is received from, or on behalf of only one or more but not all of them of an intention to apply for leave to appeal to the Privy Council, the execution of the sentence shall be postponed not only in the case of the person or persons from whom, or on whose behalf, such intimation has been received but also in the case of the other person or persons from whom or on whose behalf, no such intimation has been received.

NOTE (ii).—The necessary funds will be a minimum of 50 guineas if one Counsel is engaged, but will be 80 to 100 guineas if the record is bulky or more than one Counsel is engaged. The convict and his adviser should, therefore, be advised, on receipt of intimation of intention to apply for special leave, that 50 guineas (say, Rs. 700) must be sent by the date fixed, and that it is not unlikely that 30 to 50 guineas (say, Rs. 420 to Rs. 700) more will be required.

NOTE (iii).—The necessary papers will include two copies of the printed paper book and a certified copy and two further copies of the judgment, etc. of the High Court on appeal.

NOTE (iv).—Whenever an intimation is received of the intention of a person condemned to death to apply to the Judicial Committee, three copies of the paper book and of the judgment of the High Court are forthwith addressed directly by the Provincial Government to the Legal Adviser at the India Office one copy of each being a certified copy. One of such sets of papers shall be sent by the first available air mail.

NOTE (v).—During the present war, in order to provide against the possible loss of documents in transit, the convict and his adviser should be instructed to send funds by means of a Bank draft only, and the proof required to be furnished regarding the despatch of necessary instructions and funds by air mail shall be deemed to include proof of despatch of a duplicate copy of the instructions and of the Bank draft to the Solicitors in London by the air mail next subsequent to the air mail by which the originals were sent.

(b) If proof is not furnished before the date fixed that the necessary papers, instructions and funds have been sent to a firm of Solicitors in London, the execution is not further postponed unless the Provincial Government is satisfied that the

delay is due to no fault of the convict or his adviser. If in any special case the Provincial Government for this reason allows an extension of the date for furnishing of proof, the further date within which proof must be furnished is intimated to the convict or his adviser.

(c) If proof is furnished before the date fixed, the convict or his adviser is required to intimate the name of firm of Solicitors to whom the papers, instructions and funds have been sent and the registered numbers of the packages containing such papers, instructions and funds, and the name of the firm, the date of the despatch of the papers, etc., and the registered numbers of the packages are communicated to the India Office by telegram directly by the Provincial Government, a copy being sent to the Secretary to the Governor-General (Public) for information.

NOTE (i).—In the interests of brevity the telegram should be drafted so as to give the required information under the four headings (a), (b), (c) and (d), these representing (a) Name of Solicitors; (b) Name(s) of condemned prisoner(s) and whether the case is *in forma pauperis*; (c) Date(s) of despatch of funds and of papers; and (d) Registered number(s) of package(s). A model telegram would run as follows :—

From—Chief Secretary to the Government of the Punjab,

To—Secretary of State.

Privy Council Death Sentence Petition

(a) H. S. L. Polak & Co.

(b) Indarsingh, son of Nathasingh, and Harditsingh, son of Nahalsingh, paupers.

(c) 14th January 1944.

(d) A. 185. A. 186.

NOTE (ii).—If proof is furnished that the necessary papers and instructions but less than the minimum funds referred to in X (a), Note (ii), have been sent to a firm of Solicitors in London, the Provincial Government shall forthwith telegraph to the India Office the names of the convict and such solicitors.

(d) After proof is furnished that the necessary papers, instructions and funds have been sent to London, the execution is except in cases under XII (c) postponed until intimation is received by the Provincial Government from the India Office that the application for special leave has not been lodged in the Privy Council Office by the date fixed, or by such date as the Secretary of State may have decided to extend the date to, or that the application has been dismissed by the Judicial Committee.

XI. (a) On receipt of the telegram referred to in the Note to X (c) above enquiries will be made by the India Office of the prisoner's Solicitors whether they are prepared to proceed with the case, and on receipt of a reply that the firm of Solicitors will proceed the Secretary of State will fix a date by which the application must be lodged at the Privy Council Office. This date will be communicated to the prisoner's Solicitors and telegraphed to the Provincial Government. If the Solicitors do not reply that they will proceed, the Provincial Government will be informed by telegram and execution will not be further delayed.

(b) When a petition has been lodged in the Privy Council the India Office will inform the Provincial Government of the fact by telegram.

(c) The India Office will inform the Provincial Government of developments in the Privy Council in any case which presents unusual features. This information should be communicated on receipt to the Secretary to the Governor-General (Public).

(d) The India Office will communicate to the Provincial Government by telegram the result of an application to the Privy Council for special leave to appeal, and the Provincial Government will immediately forward a copy of the telegram by post to the Secretary to the Governor-General (Public). The India Office will also forward, in due course, a copy of the Order-in-Council to the Provincial Government by ordinary mail.

XII. (a) In furnishing proof that he has despatched the necessary papers to a Solicitor in London, a petitioner who intends to make application *in forma pauperis* under Rule 8 of the Procedure Rules of the Judicial Committee of the Privy Council, shall also furnish proof of despatch by air mail of an Affidavit or Affirmation made by himself stating that he is not worth £25 in the world except his wearing apparel, accompanied by a certificate of Counsel that the petitioner has reasonable grounds of appeal. Thereupon proof of the despatch of funds as required by Instruction X (a) shall not be required.

(b) The Affidavit or Affirmation of means referred to in the preceding clause (a) shall, if made in the vernacular, be accompanied by a translation verified by Affidavit or Affirmation of the person making the translation.

(c) Such a petitioner and his advisers shall be informed that Solicitors in London are under no obligation to act in a case *in forma pauperis*. The Solicitor instructed by them must be instructed by air mail and be required to inform the Assistant Solicitor, India Office, in writing, whether he intends to act or not. If the India Office receives no such consent, or receives intimation that the Solicitor instructed is unable to act, the Provincial Government will be informed by telegram and the execution will not be further delayed.

NOTE.—During the present war a petitioner furnishing under Instruction XII (a) proof of despatch of the Affidavit or Affirmation accompanied by certificate of Counsel, shall, in order to provide against the possible loss of the original in transit, at the same time supply the Provincial Government with a duplicate of such Affidavit or Affirmation and with a duplicate of such certificate and, where the Affidavit or Affirmation is in the vernacular, a duplicate of a translation of that document verified by Affidavit or Affirmation of the person making the translation. The Provincial Government shall despatch by the first available air mail a certified copy of such duplicate to the Legal Adviser at the India Office.

XIII. In every case where the India Office has been informed of the postponement of execution of a sentence owing to the convict's intention to apply to the Privy Council for special leave to appeal, the India Office must also be informed in due course by telegram that the sentence has been carried out or has been commuted, as the case may be.

C. P. &
Berar
Govt.,
Judl. Dept.,
Memo. No.
1072-1030-
XIX, d.
2-7-41.

See para.
894.

See para.
890.

908. The dates of application for copy of a judgment and despatch of an appeal shall be entered on the history-ticket of each prisoner, the result of the appeal shall also be recorded.

Dates of application for copy of judgement, etc., to be entered on history tickets.

909. When an order to release a prisoner who has been transferred, or a revised warrant or any communication relating to his appeal is received by the Superintendent of a Jail, he shall forward it immediately by registered post to the Superintendent of the Jail to which the prisoner has been transferred.

Order to release a prisoner to be communicated to Superintendent, Jail, to which prisoner transferred.

910. A copy of these rules, and a copy of sections 404, 406, 407 (first paragraph), 408, 409, 410, 412, 413, 414, 415, 416, 419, 420, 421, 422 (first paragraph) and 423 [omitting the words "and in case of an appeal under section 417 the accused if he appears" and paragraph (a)], Code of Criminal Procedure, and of articles 150, 154 and 155 of the 2nd Schedule of Act XV of 1877, in the language and character in common use in the district, shall be properly printed and framed and hung up in every criminal ward of a jail as well as in the Superintendent's office.

Translation of the rules to be hung up in every criminal ward and in Superintendent's office.

SECTION II.—INTERVIEWS AND COMMUNICATIONS

A.—GENERAL RULES

911. (1) Every newly convicted prisoner shall be allowed reasonable facilities for seeing or communicating with his relatives or friends with a view to the preparation of an appeal or to the procuring of bail and shall also be allowed to have interviews or write letters to his friends once or twice or oftener if the Superintendent considers it necessary, to enable him to arrange for the management of his property or other family affairs.

Facilities to newly convicted prisoners regarding interviews and communications.

(2) Every prisoner committed to prison in default of payment of a fine or of finding security under Chapter VIII of the Code of Criminal Procedure shall be allowed to communicate by letter and to have interviews at any reasonable time with his relations or friends for the purpose of arranging for the payment of the fine or the furnishing of security.

(3) Every prisoner under sentence of death shall be allowed such interviews and other communications with his relatives, friends and legal advisers as the Superintendent thinks reasonable.

Facilities to newly convicted prisoners regarding interviews and communications.

912. Every convicted prisoner shall be allowed to communicate with his or her near relatives or respectable friends by letter and to be visited by them in jail, provided his or her conduct has been good, at the following intervals:—

C. P. Govt.,
Jail Dept.,
Memo.
No. 253-
181-V (a),
d. 5-4-35.

A class—Every fortnight.

B and C classes—Every month.

A prisoner may with the permission of the Superintendent substitute a letter with reply for an interview of *vice versa*. A letter merely arranging an interview shall not be counted as a letter for the purpose of this rule.

Each class of prisoner may be permitted to write and receive one additional letter during the period stated above but such additional letters shall not be interchangeable with interviews.

The first interview, the first letter sent and the first letter received may be at any time convenient after conviction. A prisoner who after conviction is awaiting a transfer to another jail will be allowed an interview and a letter with reply before transfer.

Not more than three adult persons will be allowed to visit the prisoner at one time. The Superintendent of Jail may, if necessary to satisfy himself that an intending visitor is really a near relative or respectable friend, consult the authorities of the district where the persons concerned reside. Persons known to have suffered a period of imprisonment will not be allowed to correspond with or interview convicted prisoners unless they are near relatives.

“B” class prisoners who are convict officers shall be permitted to have letters and interviews as above but once in a fortnight.

This rule shall also apply to prisoners sentenced to simple imprisonment, but in special cases, the Superintendent, if he sees fit, may allow interviews and communications with this class at shorter intervals.

C. P. Govt.,
Jail Dept.,
Memo.
No. 253-181-
V (a),
d. 5-4-35.

913. The Superintendent may at his discretion grant interviews or allow the despatch or receipt of letters at shorter intervals than provided in paragraph 912 or in spite of the prisoner's misconduct if he considers that special or urgent grounds exist for such concession, as for example, in the event of the prisoner being seriously ill or on the occurrence of the death of a near relative, or if the friends or relatives have come from a distance to see the prisoner and it would inflict an undue hardship on them to refuse an interview, or if the prisoner is nearing release and wishes to secure employment, or for other sufficient cause. Matters of importance, such as the death of a relative, may also be communicated at any time by the friends of a prisoner to the Superintendent who will, if he thinks it expedient, inform the prisoner of the substance of the communication.

Do.

914. No convicted prisoner shall be allowed to have an interview or to receive or write a letter except with the permission of the Superintendent, which shall be recorded in writing.

No prisoner to be allowed an interview without Superintendent's permission.

915. Applications for interviews with prisoners may be oral or in writing at the discretion of the Superintendent. If the prisoner is not entitled to an interview, the applicant shall be informed at once.

Applications for interviews.

916. The Superintendent shall fix the days and hours at which all interviews shall be allowed and no interviews shall be allowed at any other time except with the special permission of the Superintendent. A notice of the interview hours shall be posted outside the jail.

Days and hours of interviews.

917. Every interview shall take place in a special part of the jail appointed for the purpose if possible at or near the main gate:

Place of interviews.

Provided that interviews with female prisoners shall, if practicable, take place in the female enclosure:

Provided also that if a prisoner is seriously ill, the Superintendent may permit the interview to take place in the hospital, and a condemned prisoner shall ordinarily be interviewed in his cell:

Provided further that the Superintendent may, for special reasons to be recorded in writing, permit an interview to take place in any part of the jail.

Interviews with convicted prisoners to take place in the presence of jail officer. Interview to be terminated

918. Every interview with a convicted prisoner shall take place in the presence of a jail officer, who shall be responsible that no irregularity occurs and who shall be so placed as to be able to see and hear what passes and to prevent any article being passed between the parties.

919. Any interview may be terminated at any moment if the officer present considers that sufficient cause exists. In every such case the reason for terminating the interview shall be reported at once for the orders of the senior officer present in the jail.

at any moment by the jail officer.

920. The times allowed for an interview shall not ordinarily exceed 20 minutes but may be extended by the Superintendent at his discretion.

Time limit for interview.

921. Every convicted prisoner and every unconvicted criminal prisoner shall be carefully searched before and after an interview.

Search of prisoners before and after interview.

922. No letter shall be delivered to or sent by a convicted prisoner until it has been examined by the Superintendent or by the Jailer or other officer under the Superintendent's orders, but no unnecessary delay should be allowed to occur in delivery or despatch. If a letter is written in a language unknown to the Superintendent, he shall take steps to procure a translation before forwarding the letter. No letter written in cipher shall be allowed. The Superintendent may withhold any letter which seems to him to be in any way improper or objectionable, or may erase any improper or objectionable passages.

Letters to be examined by Superintendent before delivery.

Objectionable letters.

923. If a letter is addressed to a prisoner who is not entitled under the rules to receive it, it may, unless the Superintendent determines to communicate it under paragraph 905, be withheld and kept in the Superintendent's custody, until the prisoner is entitled to receive it or is released, when it shall be delivered to him, unless it is improper or objectionable; or it may be returned to the sender with an intimation that the prisoner is not entitled to receive it.

Convicts to retain letters.

924. A convict may retain any letter which has been delivered to him with due authority unless the Superintendent otherwise directs, or may ask that it be kept for him.

Writing materials to be supplied to convicts.

925. Writing materials including service post cards shall be supplied in reasonable quantities to any convict who has permission to write a letter and all letters shall be written at such time and place as the Superintendent may appoint. Convicts' letters shall be written on a special form in quarter sheet foolscap, and the writing shall be restricted to one side of the form and to the lines ruled thereon and to not more than three such sheets at one time. A fixed day of the week, preferably Sunday, shall be set apart for letter writing. Service postcards and service stamps should be used for prisoners' letters.

C. P. Govt.,
Jail Dept.
Memo.
No. C-663-
263-V (a),
d. 11-5-35.

Superintendent may refuse to allow any interview.

926. A Superintendent may refuse to allow any interview to which a prisoner would ordinarily be entitled under these rules but in every such case, if in his opinion it is inexpedient in the public interests to allow any particular person to interview a prisoner or if other sufficient cause exists, he shall record his reasons for such refusal in his journal.

Deprivation of privileges.

927. Any prisoner who abuses any privilege relating to the holding of an interview or the writing of letters or other communication with any person outside the jail shall be liable to be excluded from such privileges for such time and may be subjected to such further restrictions as the Superintendent may direct.

NOTE.—Rules 911 to 927 shall, subject to the provisions of clauses (8) and (9) of rule 782 apply to "A" and "B" class prisoners.

B.—SPECIAL RULES RELATING TO UNDERTRIAL AND CIVIL PRISONERS MADE WITH REFERENCE TO SECTION 40 OF THE PRISONERS ACT

Rules regarding interview with civil and undertrial prisoners.

928. Unconvicted criminal prisoners and civil prisoners shall be granted all reasonable facilities at proper times and under proper restrictions for interviewing or otherwise communicating either orally or in writing with their relatives, friends and legal advisers. The Superintendent may open and examine any letter to or from an unconvicted prisoner, except as provided for in paragraph 931 and from a civil prisoner and withhold any which appears to him to be objectionable, until the prisoner is entitled to his release. Letters and interviews not concerning legal proceedings may be disallowed by the Superintendent if the prisoner is guilty of misconduct in jail.

929. Every interview between an unconvicted prisoner and his legal adviser shall take place within sight but out of hearing of a jail official. A similar concession may be allowed by the Superintendent in the case of an interview with any near relative of the unconvicted prisoner.

Rules
regarding
interview
with
civil and
under-
trial
prisoners.

930. When any person desires an interview with an unconvicted criminal prisoner in the capacity of the prisoner's legal adviser he shall apply in writing, giving his name and address and stating to what branch of the legal profession he belongs and he must satisfy the Superintendent that he is the *bona fide* legal adviser of the prisoner with whom he seeks an interview and that he has legitimate business with him.

931. Any *bona fide* confidential written communication prepared by an unconvicted criminal prisoner as instructions to his legal adviser may be delivered personally to such legal adviser without being previously examined by the Superintendent. For the purpose of this rule, the term legal adviser means a legal practitioner within the meaning of Act XVIII of 1879.

932. Civil prisoners may see their friends and relations at such times and under such restrictions as the Superintendent may appoint and the presence of a jail officer shall not be necessary. The exercise of this privilege shall be contingent on good conduct in jail and may be withdrawn or postponed by the Superintendent for bad conduct.

CHAPTER XXII

APPOINTMENT AND GUIDANCE OF VISITORS
OF PRISONS

Rules under section 59 (25) of the Prisons Act for the
appointment and guidance of visitors of prisons
OFFICIAL AND NON-OFFICIAL VISITORS

VISITORS

933. (1) The Inspector-General of Civil Hospitals, Inspector-General of Police, Director of Public Health, Deputy Inspector-General of Police (C. I. D.), and the Director of Industries shall be *ex officio* visitors of all jails in the province.

Ex officio
visitors.

(2) Commissioners of Divisions, District and Sessions Judges, Additional Sessions Judge, Saugor, Additional District Judge, Seoni, Additional District and Sessions Judge, Narsinghpur, District Magistrates, Deputy Inspectors-General of Police, Eastern and Western Ranges, Sub-Divisional Magistrates, Deputy Directors of Agriculture and Inspectors of Schools shall be *ex officio* visitors of all jails within their respective jurisdiction.

(3) The Civil Surgeon, where he is not already in medical charge, shall be *ex officio* visitor of the jails in his district, except in the case of Central Jails where a suitable officer will be nominated by the Commissioner of the Division.

934. (1) The Provincial Government may appoint for all jails in the province non-official visitors including selected members of the Legislative Assembly for jails situated in their constituencies. Their number shall ordinarily be six each for Central, three each for District and two each for Subsidiary Jails. These appointments shall ordinarily be made on the recommendation of the Commissioner of the Division in which the jail is situated and shall be notified in the Official Gazette.

Non-official
visitors—
Power of
Provincial
Government
to appoint.

(2) Every non-official visitor shall be appointed for a period of three years, and shall be eligible for re-appointment on the expiry of each term of office.

(3) A Board of Visitors shall be selected triennially by the Commissioner of the Division from amongst the official and non-official visitors of each jail, and shall inspect the jail once in each quarter. The Board shall consist of 2 official and 2 non-official members, one of whom shall be nominated chairman by the Commissioner of the Division.

NOTE.—If there is a lady visitor on the Board, she should inspect the female yard only.

(4) In the case of Subsidiary Jails not at headquarters, the Additional District Magistrates shall be Chairman of the Board.

(5) The Provincial Government may also appoint two or more lady visitors to such jails as accommodate females. Their duties will be regulated in the same way as those of the non-official male visitors but shall be confined entirely to the management and well-being of the female prisoners. They shall not

Notfns. Nos.
1-29-A-V (a)
and 2-29-B-
V (a), d.
27-4-21, also
Notfns. Nos.
1721-A-256-
V (a) and
1721-256-V
(a), d. 31-7-
22.

Notfn. No.
3-78-A-V
(a), d. 21-7-
21.

issue any orders or instructions to the matron or female warders, but will communicate their recommendations in writing to the Superintendent in a visitors' book kept specially for this purpose.

Additional
visit by a
visitor.

935. (1) A meeting of the Board of Visitors shall be held once a quarter. At the first meeting in the calendar year a roster of visits shall be prepared for the ensuing twelve months. This roster shall permit of a monthly visit being made to each jail by a visitor, either official or non-official. In addition every non-official visitor may, should he so desire, visit the jail once a month, at a time outside the prescribed roster, after giving due notice to the Jail Superintendent. Should any visitor desire to pay more than one such visit, he shall be required to obtain the special permission of the Superintendent. All visits shall be made between the hours of opening and lock-up. Visits will not be permitted on Sunday or on other holidays except between 8 and 10 a.m.

NOTE.—Every non-official visitors shall visit the jail at least once a quarter.

(2) Except in exceptional circumstances, a visitor shall not inspect jails after lock-up or on Sundays.

(3) A non-official visitor who is about to absent himself for a period of six months or more from the station where the jail of which he is a visitor is located, shall report the circumstance to the authority who appointed him, in order that a substitute may, if necessary, be appointed, and in the event of his failure so to report he shall be regarded as having vacated office on the expiry of three months from the date of his departure.

Duties of
visitors.

936. (1) It is the duty of a visitor to satisfy himself that the law and rules regulating the management of prisons and prisoners are duly carried out in the jail, to visit all parts of the jail and to see all prisoners, and to hear and inquire into any complaint that any prisoner may make to him. A list of questions indicating some of the points to which a visitor may direct his inquiries is appended.

(2) A visitor may call for and inspect any book or other record in the jail, provided that the Superintendent may decline to produce any book, paper or record for the inspection of any non-official visitor if, for reasons to be recorded in writing, he considers their production undesirable.

Do.

937. (1) Every visitor shall, after he has completed his visit to the jail, record in the visitors' book prescribed by section 12 of the Prisons Act, the date and hour of his visit and may enter therein any remarks or suggestions he may wish to make. Entries in the visitors' book shall be made in the visitors' own handwriting and the book shall not, except with the express permission of the Superintendent, be removed from the jail for this or for any other purpose.

(2) No visitor may issue any order or instruction to any subordinate jail officer.

(3) The remarks recorded by a visitor in the visitors' book should include any complaint made to him by a prisoner which in his opinion deserves notice. When the Superintendent is of opinion that a prisoner has made a groundless complaint to a

visitor and should be punished, he shall record a brief statement of the facts and note what punishment he proposes to award and send it to the visitor who, if he dissents from the conclusion of the Superintendent, may request that the case be submitted to the Inspector-General for orders. A copy of the Inspector-General's orders will be communicated to the visitor who may then, if he thinks fit, address Government regarding the case.

(4) A copy of any remarks recorded by a visitor, together with the Superintendent's reply and a note of any action taken thereon, shall be forwarded through the District Magistrate and the Commissioner of the Division to the Inspector-General who may, if in his opinion it is necessary, forward the correspondence for the information and orders of Government. A copy of the orders (if any) of Government or the Inspector-General shall be forwarded to the visitor through the Superintendent of the Jail.

*Vide Sectt.,
Jail Dept.,
letter No.
321-129-V
(a), d. 9-7-31.*

(5) A visitor, so long as he retains his official connection with the jail, is precluded from giving publicity in the press or otherwise to matters connected with its administration. Should there be any complaint which a prisoner may make to a visitor about his own treatment or that of any other prisoner or about the conduct of any officer, or should the visitor himself observe any matter of which he feels notice ought to be taken, he should refer it to the Superintendent who is responsible for everything that occurs in his jail; it is also open to the visitor, if he so desires, to make a representation on the matter to Government.

938. The Superintending Engineer of the circle and the Executive and Assistant Engineers of the district in which the jail is situated, together with their employees, shall, during business hours, have free access to the jail to the extent necessary for purposes connected with the discharge of their official duties.

Officers of P. W. D. may enter jail and during business hours.

939. (1) Any police officer of not lower rank than a Deputy Superintendent shall, for any purpose connected with the discharge of his duty as such police officer, be permitted to enter the jail at any time.

Admission of police officer to the jail and the interrogation of prisoners by them.

(2) Police officers of a lower rank than Deputy Superintendents who are in uniform and have been detailed for the duty shall be permitted to enter the jail for the purpose of recognizing old offenders, or for conducting operations for the identification of prisoners during work hours on any week day.

(3) No police officer shall be permitted to interview any prisoner except in so far as may be necessary for the identification of such prisoner, without an order in writing from the District Magistrate or the District Superintendent of Police, addressed to the Superintendent of Jail.

(4) Any interview permitted under an order from the District Magistrate or the District Superintendent of Police shall take place in the presence of the Jailer or other proper officer of the jail, who shall, if required to do so, keep at such a distance that he may not hear the conversation that takes place.

(5) The Superintendent of the Jail shall, for the purpose of this rule, produce any prisoner in his charge whom the police are authorized to interview, and shall afford every reasonable facility for this purpose.

(6) The Superintendent shall arrange that every visitor to the jail shall be attended by two warders armed with batons. See para. 447.

Questions on some of the main points to be noticed by visitors at their visits to jails.

1. *Buildings.*—Are the buildings secure and in good repair?
2. *Overcrowding.*—Is there any overcrowding? If so, where are the excess prisoners accommodated, and are steps being taken to relieve it?
3. *Drainage.*—Is the drainage of the jail in a satisfactory state? If not, what are the defects?
4. *Water-supply.*—Is the water-supply sufficient and good and the means of carriage suitable?
5. Have the drinking water wells been cleaned out recently?
6. *Food.*—Are the articles of food in the store-room and elsewhere properly kept and in good condition?
7. Does the weight of vegetables agree with the calculated weight in the diet roll and are they of good quality and properly cleaned?
8. Is the food issued correct in quantity and properly cooked?
9. Is the full number of rations for all the prisoners forthcoming?
10. Is the oil and condiments added to the curry in the presence of some responsible officer?
11. *Clothing.*—Have the prisoners the prescribed amount of clothing and bedding in their possession? Is it in serviceable order? Is the bedding placed in the sun every morning when the weather permits, and is the prescribed extra blanket issued during the cold months?
12. *Bathing.*—Are the prisoners required to bathe regularly?
13. *Labour.*—Are full tasks exacted from all labouring prisoners fit for hard labour? Who checks the work done in the evening? Is the outturn of each convict properly recorded on the work tickets?
14. *Remission.*—Is ordinary remission for industry given with reference to the actual tasks performed?
15. Are there any convicts who are not receiving remission for industry for failure to perform tasks? If so, have efforts been made to enforce work by means of punishment?

16. *Punishments*.—Is the ratio of punishments in the jail unduly high?

17. *Discipline*.—Are convicts regularly searched for contraband?

18. Are convicts prevented from wandering about?

19. Are gangs of convicts marched about in proper order?

20. *Habituals*.—Are habituals separated from others at night and is their separation from others by day carried out as far as possible?

21. *Under-trial prisoners*.—Are there any under-trial prisoners who have been detained in jail unduly long?

22. *Lunatics*.—Are there any civil lunatic in jail who have been detained under observation longer than the period allowed by law and, if so, on whose warrant?

23. Are there any criminal lunatics who have been unduly detained in jail?

24. *Females*.—Are the women prisoners thoroughly screened from view of male prisoners?

25. *Juveniles*.—Are juvenile prisoners under the age of 18 separated, both by day and night, from adults and are those juveniles who have arrived at the age of puberty separated from those who have not, as required by section 27 (2) of the Prisons Act, 1894? Do juvenile prisoners receive instruction?

26. *Adolescents*.—Are all adolescent prisoners, of ages ranging from 18 to 20 or 22, separated at night, both from juveniles and adults?

27. *Cells*.—Is every cell utilized at night?

28. *Appeals*.—Has there been any undue delay in forwarding appeals to Courts, or in the receipt of Courts' orders on appeals?

29. *Garden*.—Is the whole vegetable supply of the jail obtained from the jail garden? If not, why cannot this be done?

CHAPTER XXIII

SUBSIDIARY JAILS

Rules under section 59 (26) of the Prisons Act extending certain provisions to subsidiary jails

940. Under section 59, clause (26), of Act IX of 1894, the provisions of this Act are extended to subsidiary jails, and the rules framed thereunder and embodied in the Central Provinces and Berar Jail Manual shall be held to apply in all matters not specially provided for in this chapter.

941. The following classes of prisoners shall ordinarily be confined in the subsidiary jail :—

Classes of prisoners to be confined in subsidiary jail.

- (a) all persons committed to custody pending trial or preliminary investigation before the magistracy;
- (b) all Indian criminal prisoners of the casual class sentenced to imprisonment for one year and under and of the habitual class for three months and under;
- (c) all prisoners summoned under the Prisoners' Testimony Act;
- (d) all persons in custody *en route* through one station to another station;
- (e) civil prisoners, including civil debtors and persons sentenced to confinement in a civil jail under section 318, 332 or 514 of the Criminal Procedure Code or otherwise, if there is room for their reception and separation from criminal prisoners.

See classification under para. 741.

942. (1) For ordinary transfers, see the rules in Chapter XXIV, Section IV, of this Manual.

Transfer of prisoners from sub-jail.

But no prisoner shall be so transferred—

- (a) who is unfitted by age, sickness or infirmity to stand the fatigue of the journey; or
- (b) if the unexpired portion of his sentence on the date fixed for his transfer does not exceed one year if he is a casual or three months if he is an habitual.

(2) The transfer of prisoners committed to the Court of Session shall be effected with the least possible delay.

943. Casual prisoners sentenced to imprisonment for a term exceeding one year shall ordinarily be transferred from the Subsidiary Jail to the Central Jail as specified in paragraph 226 when the time allowed for appeal has expired without an appeal or when an appeal has been filed whichever is earlier.

Transfer of casual prisoners from Subsidiary Jail to Central Jail.

Habitual prisoners with sentences of over three months and casual adolescent prisoners sentenced to four months and upwards shall be transferred immediately on conviction to the appointed jails.

Confinement of certain prisoners in subsidiary jails under Inspector-General's orders.

944. The Inspector-General of Prisons may direct that any individual prisoner, whatever may be his length of sentence, if not sentenced to transportation, may be imprisoned in a subsidiary jail, if the prisoner's services are required for the performance of menial work, or if the state of his health is such that he cannot be removed, or if for any other reason it appears undesirable to remove such prisoner to the appointed jail. No casual prisoner shall in any case be detained in a subsidiary jail for a period exceeding one year nor an habitual prisoner for a period exceeding three months except under the orders of the Inspector-General of Prisons. See para. 226.

Transfer of European prisoners.

945. If any "A" or "B" class prisoner is imprisoned in a subsidiary jail, he shall be transferred at once to the nearest of the jails prescribed for the imprisonment of prisoners of his class and mode of living. See paras. 231 and 232.

Management of sub-jails by Superintendents.

946. The Superintendent of the subsidiary jail is vested with the management of the jail in all its details subject to the orders and control of the Inspector-General of Prisons, and of the District Magistrate as defined in Chapter II of the Prisons Act. The Sub-Divisional Magistrate is required by rule to visit the subsidiary jail at least once a month and the District Magistrate once a quarter. The Superintendent shall report to the District Magistrate when he proposes to leave the station and the District Magistrate will then put one of his assistants in charge of the jail during the absence of the Superintendent.

Establishment of sub-jails.

947. The establishment of the jail shall be composed of an Assistant Jailer (or officer of higher rank) and warders according to the scale laid down in paragraph 509. The Superintendent of the Central Jail shall arrange that at least the 1st grade warder and two other warders shall be picked men who have been trained to the use of arms in the Reserve Guard at the Central Jail. If no convict of low caste is available to do *mehtar's* work, a sweeper may be employed. See para. 950.

Convict officers.

948. Convict officers may be transferred from the supplying jail to aid the paid staff of the subsidiary jail in watch and ward and the Inspector-General shall fix the number (if any) of such officers as may be necessary from time to time with regard to the number of prisoners confined or for other reasons.

Rules regarding duties of staff.

949. The Superintendent shall frame rules for the approval of the Inspector-General, specifying the hours and details of the duties of the paid staff, and a copy of these rules shall be hung up in the jail office.

Duties of Assistant Jailer.

950. The Assistant Jailer appointed to the subsidiary jail shall be competent to perform any of the duties and be subject to all the responsibilities of a Jailer under the Prisons Act or any rule thereunder. During his authorized absence the Assistant Medical Officer shall take charge of the jail.

951. The circle jail to which the several subsidiary jails are affiliated shall be the depôt for the recruitment of Head Warders and Warders. The Nagpur Central Jail will supply convict-officers whenever required to the subsidiary jails in the Central Provinces and the Akola District Jail to jails in Berar. Warders' clothing will be supplied by the Jubbulpore Central Jail and prison clothing by the jails appointed (*vide* paragraph 639). Printed forms, registers and the like should be obtained direct from the Nagpur Central Jail Press. But the Superintendent of the Subsidiary Jail shall make his own arrangements as regards the dieting of the prisoners on the prescribed scale, and he shall endeavour to secure economy in purchasing the food supplies in accordance with existing orders.

Depot for
recruitment
of Head
Warders, etc.

See paras.
693, 694 and
703.

952. It shall be the duty of the Superintendent to give effect to all sentences of rigorous imprisonment by employing, within the jail precincts, convicts so sentenced on such simple kinds of hard labour as may be available and best suited to the circumstances of the subsidiary jail. Under-trial prisoners and prisoners sentenced to simple imprisonment shall not be required to work but shall be required to keep their wards, barracks and bedding clean, provided that no duty of a degrading nature shall be exacted of them.

Duty of Su-
perintendent.

See para.
673.

953. Under ordinary circumstances breaking stones, chopping wood, pounding aloe for the fibre, watering trees, gardening and repairing roads in the jail compound will afford suitable labour for male convicts. Female convicts may be employed in cleaning and grinding grain, etc. A fixed task shall be allotted and enforced in all measurable work.

Labour for
male and
female con-
victs.

CHAPTER XXIV

ADMISSION, CUSTODY, EMPLOYMENT, DIETING,
TREATMENT AND RELEASE OF PRISONERS

Rules under section 59 (27) and (28) of the Prisons Act generally in regard to the admission, custody, employment, dieting, treatment and release of prisoners and generally for carrying into effect the purposes of this Act

SECTION I.—THE ADMISSION OF PRISONERS

NOTE 1.—The term "warrant" in this chapter means any order of a court directing the detention or otherwise of any person.

NOTE 2.—The power of Superintendents of jails to give effect to sentences and orders of courts is defined in sections 15 and 16 of the Prisoners' Act, III of 1900.

954. The Jailer shall ordinarily admit new prisoners into the jail at any time after the opening of the jail up to the hour of lock-up, which takes place at sunset. After lock-up he shall not receive any locally-convicted prisoner except on the special written order of the Sessions Judge or of the District Magistrate or the Subordinate Magistrate in charge of the District Magistrate's office during his absence from headquarters, or of the Magistrate trying the case in which such prisoner may be concerned. Ordinarily the Jailer shall not admit any prisoner received on transfer after lock-up, he shall, however, in special cases, on the order of the Superintendent of the jail, admit such prisoners at any hour. No newly-convicted prisoner or a prisoner received on transfer shall be admitted into the convict-wards after lock-up. In the case of a convicted prisoner brought to the jail after lock-up, he shall be kept for the night in the under-trial ward. A prisoner condemned to death must be relegated to a cell used for the purpose.

Prisoners not to be admitted after lockup.
Exceptions.

955. No prisoner shall be admitted into any jail except on a warrant signed by competent authority. All warrants should be drawn up in accordance with the orders of the High Court on the subject. There should be a separate warrant for every prisoner, even though two or more prisoners have been jointly charged or convicted. If a prisoner is brought to a jail without a warrant, the Jailer shall refuse to admit the prisoner and shall report the matter to the Superintendent at his next visit. Before admitting a prisoner the Jailer shall question him and ascertain that his name and other particulars correspond with those entered in the warrant.

Prisoners not to be admitted without warrant.

956. When a juvenile or juvenile adult is admitted as an under-trial prisoner and the trial of his case appears to the Superintendent of the jail to have been unduly prolonged, he shall report such delay to the District Magistrate, with a view to expedite the trial.

Prompt disposal of the case of juvenile or juvenile adult under-trial prisoner.

957. Immediately after admission into jail an ex-military European prisoner shall be furnished with the jail equipment prescribed in paragraph 653. Such articles of the army kit as are received with an ex-military prisoner shall be placed in the custody of the Jailer, except the uniform which shall be returned to the military escort, or if the prisoner is convicted by a civil Court, it shall be returned direct to the unit concerned.

Supply of jail equipment to ex-military European prisoner.

Warrant to be examined on admission of prisoners.

958. All warrants shall be examined to ascertain whether they conform to the orders of the High Court. If a warrant is incorrect a copy of it may, in the case of minor irregularities, be sent to the officer who issued it, with a request that a revised one may be forwarded, and, on receipt of it, the discrepant warrant should be returned to the Court. Blank forms of warrants should be kept in jails for this purpose. The receipt of the revised warrant shall be acknowledged by the jail authorities by special letter and until such letter is received, the Court issuing the warrant will be held responsible by Government for any mistake that may occur, in consequence of the irregularity (if any) in the original warrant.

[No. 9, Judicial Commissioner's Criminal Circular No. 19, Part I, and paragraph 14 of No. 33, Part I.]

Procedure when doubts arise regarding legality of warrant.

959. In case the Superintendent doubts the legality of any warrant sent to him for execution, he shall follow the procedure laid down in section 17 of the Prisoners' Act, III of 1900; but the reference therein prescribed shall be made to the Provincial Government through the Inspector-General of Prisons.

See para. 79

Sequence of sentences when they include both rigorous imprisonment and transportation.

960. If a warrant directs that any person shall undergo two or more sentences on separate charges, such sentences, when consisting of imprisonment or transportation shall commence, the one after the expiration of the other, in such order, as the Court may direct, unless the Court directs that such punishments shall run concurrently (section 35, Criminal Procedure Code). When any person already undergoing a sentence of imprisonment, penal servitude, or transportation is sentenced to imprisonment, penal servitude or transportation, the sentences shall be served, the one after the expiration of the other, in order of award, unless the Court awarding a sentence of transportation shall direct that such sentence of transportation shall take effect immediately (Criminal Procedure Code, section 397), or unless the prisoner is an escaped convict, in which case the provisions of section 396 of the Criminal Procedure Code will apply.

Warrant of under-trial prisoners.

961. On the date entered in the original warrant, or on the date fixed by any subsequent orders, under-trial prisoners shall be placed in the custody of the police to be taken to Court. If an under-trial prisoner has any remand warrants for his production in a Court other than that before which he is to be produced that day, these warrants shall be tagged together and they shall all be sent with the prisoner to the Court before which he is being produced.

The warrants shall be handed over to the officer in charge of the police escort, from whom a receipt shall be taken which shall specify the name of the prisoner and the number of remand warrants handed over: at the same time a memorandum shall be attached to the warrant under which the prisoner is being produced in Court that day, stating that he has to be produced in another Court on a particular date for the hearing of certain other charges against him. All property belonging to each under-trial prisoner except cash (which shall, if the prisoner be released

in Court, be delivered to him at the jail gate on his application) shall also be made over to the officer in charge of the police escort, from whom a receipt shall be taken.

On receipt of a warrant or order of revision, directing the release of an under-trial prisoner, he shall be at once released (unless the order be received after the wards are locked up for the night, in which case he shall be released immediately after the wards are opened next morning), and the warrant of detention and order of release shall be returned to the Court which issued them, with an endorsement by the Jail Superintendent certifying that the order of release has been carried out. Any property which has been taken possession of under paragraph 973 shall be made over to the prisoner.

Warrant of under-trial prisoners.

962. In case of doubt in regard to the order in which sentences shall take effect under paragraph 960 the instructions of the Court imposing the latest sentences shall be taken. In whatever order the sentences are served, a prisoner is liable to serve the aggregate terms of the whole of his sentences, provided that under no circumstances shall a prisoner be detained in jail beyond the period indicated by the terms of the warrant of commitment.

Prisoner to serve aggregate terms of sentences.

963. When a prisoner is undergoing more than one sentence and the first sentence is annulled on appeal, the second sentence shall take effect from its own date.

Sentences how and when to take effect.

964. When the appellate Court simply modifies sentence passed by a lower Court without change of section or when the appellate Court passes a new sentence by changing the conviction sentence or the punishment section or otherwise, the sentence finally passed shall count, unless otherwise specially directed, from the first day of imprisonment under the original sentence.

Sentences how and when to take effect.

965. When a fine or portion of a fine in default of which an offender is undergoing imprisonment is realized the Court which imposed the fine will send intimation to the Superintendent of the jail in order to ensure the due release of the offender. The intimation will be by the prescribed intimation and receipt coupons, the latter of which will be signed and returned to the Court by the Superintendent. When in addition to imprisonment, a person is sentenced to fine and alternative imprisonment, and the fine is realized before the prisoner is despatched to the jail, the intimation of realization will be attached to the warrant by the Court and the receipt coupon will be detached and returned to the Court after signature by the Superintendent (Judicial Commissioner's Criminal Circular I-25).

Action after realizing fines.

NOTE.—If the fine is paid before the transfer of a prisoner from the subsidiary jail in which he was first confined to another jail, the fine realization statement should be sent to the subsidiary jail.

966. The Superintendent (or in his absence the Jailer) is authorized to receive fines offered at the jail and shall certify to the Court from which the warrant issued all payments of fines, and shall remit to the nearest treasury all sums received in payment of fines. When by the terms of the warrant under

Disposal of fines.

Warrant to be examined on admission of prisoners.

958. All warrants shall be examined to ascertain whether they conform to the orders of the High Court. If a warrant is incorrect a copy of it may, in the case of minor irregularities, be sent to the officer who issued it, with a request that a revised one may be forwarded, and, on receipt of it, the discrepant warrant should be returned to the Court. Blank forms of warrants should be kept in jails for this purpose. The receipt of the revised warrant shall be acknowledged by the jail authorities by special letter and until such letter is received, the Court issuing the warrant will be held responsible by Government for any mistake that may occur, in consequence of the irregularity (if any) in the original warrant.

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Warrant of under-trial prisoners.

961. On the date entered in the original warrant, or on the date fixed by any subsequent orders, under-trial prisoners shall be placed in the custody of the police to be taken to Court. If an under-trial prisoner has any remand warrants for his production in a Court other than that before which he is to be produced that day, these warrants shall be tagged together and they shall all be sent with the prisoner to the Court before which he is being produced.

The warrants shall be handed over to the officer in charge of the police escort, from whom a receipt shall be taken which shall specify the name of the prisoner and the number of remand warrants handed over: at the same time a memorandum shall be attached to the warrant under which the prisoner is being produced in Court that day, stating that he has to be produced in another Court on a particular date for the hearing of certain other charges against him. All property belonging to each under-trial prisoner except cash (which shall, if the prisoner be released

in Court, be delivered to him at the jail gate on his application) shall also be made over to the officer in charge of the police escort, from whom a receipt shall be taken.

On receipt of a warrant or order of revision, directing the release of an under-trial prisoner, he shall be at once released (unless the order be received after the wards are locked up for the night, in which case he shall be released immediately after the wards are opened next morning), and the warrant of detention and order of release shall be returned to the Court which issued them, with an endorsement by the Jail Superintendent certifying that the order of release has been carried out. Any property which has been taken possession of under paragraph 973 shall be made over to the prisoner.

Warrant of under-trial prisoners.

962. In case of doubt in regard to the order in which sentences shall take effect under paragraph 960 the instructions of the Court imposing the latest sentences shall be taken. In whatever order the sentences are served, a prisoner is liable to serve the aggregate terms of the whole of his sentences, provided that under no circumstances shall a prisoner be detained in jail beyond the period indicated by the terms of the warrant of commitment.

Prisoner to serve aggregate terms of sentences.

963. When a prisoner is undergoing more than one sentence and the first sentence is annulled on appeal, the second sentence shall take effect from its own date.

Sentences how and when to take effect.

964. When the appellate Court simply modifies sentence passed by a lower Court without change of section or when the appellate Court passes a new sentence by changing the conviction sentence or the punishment section or otherwise, the sentence finally passed shall count, unless otherwise specially directed, from the first day of imprisonment under the original sentence.

Sentences how and when to take effect.

965. When a fine or portion of a fine in default of which an offender is undergoing imprisonment is realized the Court which imposed the fine will send intimation to the Superintendent of the jail in order to ensure the due release of the offender. The intimation will be by the prescribed intimation and receipt coupons, the latter of which will be signed and returned to the Court by the Superintendent. When in addition to imprisonment, a person is sentenced to fine and alternative imprisonment, and the fine is realized before the prisoner is despatched to the jail, the intimation of realization will be attached to the warrant by the Court and the receipt coupon will be detached and returned to the Court after signature by the Superintendent (Judicial Commissioner's Criminal Circular I-25).

Action after realizing fines.

NOTE.—If the fine is paid before the transfer of a prisoner from the subsidiary jail in which he was first confined to another jail, the fine realization statement should be sent to the subsidiary jail.

966. The Superintendent (or in his absence the Jailer) is authorized to receive fines offered at the jail and shall certify to the Court from which the warrant issued all payments of fines, and shall remit to the nearest treasury all sums received in payment of fines. When by the terms of the warrant under

Disposal of fines.

which a prisoner is confined, non-payment of a fine entails detention beyond the date on which he would be otherwise released and no intimation of the recovery of the fine has been received, the Superintendent of the jail shall, *one month before the date of release above referred to*, cause enquiry to be made of the District Magistrate as to whether the fine has been paid or not in whole or in part. See para. 976 (3).

Receipt of realization of fine.

967. In the case of a prisoner sentenced to imprisonment in lieu of fine being transferred from one jail to another, when intimation of the realization of the fine or a portion of it is received from the Court, it will be the duty of the Superintendent of the jail receiving the intimation to forward the intimation coupon and the receipt coupon (for the acknowledgment of the intimation) to the Superintendent of the jail to which the prisoner has been transferred, under a registered cover. This should be done under a covering docket, in which the date of the transfer of the prisoner should be specified in order to ensure proper identification. The Superintendent of the latter jail will then, by return post, acknowledge receipt of the intimation to the original jail, and forward the receipt coupon to the Magistrate by whom it was issued, retaining the intimation coupon in his own jail.

Imprisonment in default of payment of fine. Exceptions.

968. If a prisoner sentenced to a term of imprisonment in default of payment of fine is also either at the same time or subsequently sentenced to another term or to other terms of imprisonment, imprisonment in default of payment of fine shall be kept in abeyance till the expiration of all the absolute sentences of imprisonment, and shall be annulled wholly or partially by the payment of the fine in whole or in part, before that period or so long as imprisonment continues.

Illustration:—A prisoner is sentenced on the 9th June 1895, to two years' rigorous imprisonment and a fine of Rs. 5, or in default six months' rigorous imprisonment; on the 17th July of the same year he is sentenced on another account to an additional imprisonment for 18 months; and on the 6th October 1896, he is sentenced on another charge to an additional imprisonment for two years. The sentence of six months' imprisonment in default of the payment of fine of Rs. 5 should begin from the 9th December 1900 (the date of expiration of all the absolute sentences of imprisonment being the 8th December), and shall be annulled wholly or partially by the payment of the fine, in whole or in part, before that period, or so long as the imprisonment continues.

NOTE.—This rule covers the case of a prisoner whose first sentence of imprisonment is only in default of payment of fine. The substantive sentences of imprisonment subsequently passed shall count from the date of the first sentence, and the imprisonment in default of payment of fine shall take effect last, although a portion of it may have been already served when the substantive sentences were awarded, unless the imprisonment is of a different denomination to that of the substantive sentences, in which case the imprisonment in default of payment of fine shall be completed before the substantive sentence of imprisonment shall take effect.

969. If a prisoner is sentenced to imprisonment in default of furnishing security for good behaviour under sections 118 and 123 of the Criminal Procedure Code, and is also sentenced to imprisonment for an offence, the sentence in default of furnishing security shall be served last. As imprisonment in default of furnishing security for good behaviour is a precaution for the safety of the public, and not a punishment for an offence, such cases should be brought by the Superintendent to the notice of the Magistrate of the district in order that if he sees fit he may take action under section 124 of the Criminal Procedure Code for the discharge of the prisoner in respect of such imprisonment.

Sentence in default of furnishing security.

970. When an additional sentence of imprisonment, penal servitude, or transportation is passed on an escaped convict who has been re-captured, such sentence shall take effect according to the following rules:—

Additional sentence on escaped convict.

If the new sentence is severer in its quality than the sentence such convict was undergoing when he escaped, the new sentence shall take effect immediately, and the unexpired portion of the sentence he was undergoing when he escaped shall be served subsequently. When the new sentence is not severer, it shall take effect after he has served the portion of his original sentence which at the time of his escape remained unexpired.

Explanation:—

- (a) A sentence of transportation or penal servitude is severer than one of imprisonment.
- (b) A sentence of imprisonment with solitary confinement is severer than imprisonment without solitary confinement.
- (c) A sentence of rigorous imprisonment is severer than one of simple imprisonment with or without solitary confinement.

The date of release of a prisoner in such a case shall be calculated in accordance with paragraphs 1012 and 1013.

[Judicial Commissioner's Circular No. I-26, Criminal.]

971. When a prisoner is sentenced to whipping in addition to imprisonment (section 391, Criminal Procedure Code), the sentence of whipping must be carried out as soon as practicable after the expiry of fifteen days if no appeal has been filed. Should the prisoner have appealed, the sentence shall be carried out on receipt of the order rejecting the appeal. The prisoner must be certified by the Medical Officer to be fit to receive whipping, which shall be administered in presence of the Superintendent and Medical Officer or Medical Subordinate. If the prisoner be declared physically unfit for stripes by the Medical Officer, the warrant shall be returned at once to the convicting officer for necessary action under section 395 of the Criminal Procedure Code. After the whipping has been duly inflicted the Superintendent shall endorse a certificate on the warrant to that effect, recording the date of execution. The execution of sentences of whipping, which are not in addition to imprisonment, awarded by Magistrates, must be supervised by a Magistrate whether carried out at the Court or in the jail.

Whipping in addition to imprisonment.

Entries in
warrant and
its arrange-
ment.

972. The date of a prisoner's admission into jail and the serial number given him shall be endorsed on his warrant and signed by the Jailer; the warrants shall be arranged according to the date of release and put together in the monthly bundles, docketed outside with the month and year, all the warrants of prisoners to be released in the one month being placed in the same bundle. They shall be kept in a locked chest, the key of which shall be kept by the Jailer. In all jail records and documents both the name of the crime and the section of the Penal Code, or other enactment shall invariably be given.

Search of
prisoners on
admission
and disposal
of articles in
their
possession.

973. On admission into a jail all prisoners shall be thoroughly searched. From *prisoners sentenced to rigorous imprisonment* every article, whether clothing, money, jewellery, documents, or otherwise, shall be taken (but if received late or after lock-up, their clothing shall be left with them until next morning). The uniform only of a European *ex-military* prisoner shall be returned to the military escort and the other articles of the army kit as are received with an *ex-military* prisoner shall be placed in the custody of the Jailer. From *simple imprisonment prisoners*, money, personal ornaments, papers and letters, and any other property other than clothes, shall be taken; from *under-trial prisoners* the same articles shall be taken as from simple imprisonment prisoners, except bedding, which they may retain. From *civil prisoners* only dangerous weapons, articles likely to facilitate escape, drugs and immoral books shall be taken. The caste-threads of Brahmins or other thread-wearing castes shall in no case be removed. Civil prisoners shall not be searched in the presence of any other prisoners, and prisoners of the "A" and "B" classes shall be searched only in the presence of the Jailer. The search of female prisoners shall be made by the matron or female warder, and only in the presence of females. All property taken from prisoners shall be dealt with as ordered in Chapter XXIV, Section V, of this Manual. The search must be thoroughly and carefully done as prisoners frequently conceal articles in their hair and beards and in other parts of their person.

See paras.
379 and
1055 and
Sections 24
and 25, Act
IX of 1894.

974. All prisoners shall be seen immediately after admission by the Medical Subordinate, who shall send any who are sick to the hospital for treatment. If there is an observation ward for new admissions, the new arrival shall be located there until the Medical Officer directs that they shall be placed with other prisoners. If any epidemic is prevalent and accommodation for new admissions is provided outside the jail, prisoners shall not be admitted within the jail till orders have been given by the Medical Officer, or, in his absence, by the Assistant Medical Officer for their admission. They shall at once be provided with necessary bedding and protection from cold.

See Appen-
dix No. IV
to this
Manual.

See paras.
341 and 650.

975. Immediately after admission (or, in the case of prisoners received late or after a lock-up, early next morning) all prisoners shall be made to wash themselves thoroughly, also their clothing; and convicted prisoners shall each be furnished with the full jail equipment prescribed in paragraphs 640 to 645 and 649. Such of the private clothing received with convicted prisoners as can be boiled without damage shall be boiled before it is stored.

Prisoners to wash themselves and their clothing.

See paras.
308, 341,
803, 674 and
1133.

976. (1) All newly-admitted prisoners shall be brought before the Medical Officer on the morning following their admission, and he shall then make, or cause to be made, in the appropriate registers and prisoner's history-ticket, a record in respect of each prisoner, of his or her age, health on admission, with such particulars of previous illness as may be known to him, weight on admission, any marks of wounds on the person, and (in the case of prisoners sentenced to rigorous imprisonment) the class of labour for which the prisoner is fit, with any other observations he may find necessary, etc.

Recording age, health, etc., in admission register of newly admitted prisoners.

G. I. s Resn.
No. 4, Jails-
843-194,
d. 4-4-1893.

It is the duty of the jail authorities to ascertain what labour is appropriate to a prisoner's strength and to put him to that only.

See para.
342.

In describing a prisoner's health, if he is in bad or indifferent health, he should enter the general cause, such as enlarged spleen, anæmia, etc. The Medical Officer shall also record whether the prisoner has been vaccinated or inoculated or has had smallpox. Subject to the instructions laid down in paragraph 1137 all prisoners shall be vaccinated as soon as convenient after arrival in the jail.

(2) The following registers shall be produced with all newly-admitted prisoners before the Superintendent on the morning following their admission :—

- (a) Admission Register and Warrant.
- (b) Release Register.
- (c) Property Register.
- (d) Length of Time Census Register.
- (e) Remission Register (if the convict is eligible for remission of sentence under the remission system).
- (f) History-ticket.

Prisoner's
Serial num-
ber in
admission
register.

977. Every prisoner shall receive a serial number corresponding with the entry relating to him in the admission register; and this register number shall be his distinguishing mark whilst in the jail. The series shall run from 1 to 10,000 in Central Jails and from 1 to 2,000 in District and Subsidiary Jails. The prisoner's number and the letter "H" signifying his category, if he is classed as an "habitual" criminal, shall invariably precede his name when he is referred to in any official communication. Thus, Rup Ram, an "habitual" criminal, would be described as "prisoner No. 606-H, Rup Ram", while Bagh Khan, a non-habitual prisoner, would be described as "prisoner No. 666, Bagh Khan". If a prisoner belongs to the "A" or "B" class, the fact should be indicated by placing his class after his name. Thus, if Bagh Khan and Rup Ram in the examples given above were "A" and "B" class prisoners, respectively, they would be described as "prisoner No. 662, Bagh Khan, 'A' class" and "Prisoner No. 300-H, Rup Ram, 'B' class". In descriptive rolls, the father's name shall invariably be added. A prisoner's descriptive roll shall always be sent to the Inspector-General with any reference concerning him.

Wooden
label for
prisoners.

978. Every male prisoner, sentenced to rigorous imprisonment, shall wear a wooden label suspended from a button on the left breast. If he is a convict officer, he shall wear the wooden label on the right breast. On the wooden label shall be stamped the register number of the prisoner, his class and in case of a habitual offender the number of previous convictions, dates of admission and release, the term of sentence, and all sections of the Act under which sentenced. The wooden label shall be made of dry mango wood, 4 inches long, 2 inches broad, and $\frac{1}{2}$ inch thick.

Admission
register to
contain full
description
of every pri-
soner.

979. In the admission register shall be recorded, for the purpose of identification, a full personal description of every prisoner, giving a general account of his physiognomy, complexion and habit of body, and a note of any special marks on his person. If there is no such record, the personal description shall be entered by the Medical Subordinate or at Central Jails by an Assistant Jailer. Any police officer deputed to take a prisoner's finger impressions shall be allowed to do so.

Classification
of police
registered
prisoners.

980. Police registered prisoners are divided into two classes. The first class consists of prisoners who shall, within one month of their release, be transferred to the jail of the district in which their respective homes are situated, provided that no habitual prisoner shall be so transferred with more than ten days of his sentence to run. This class will be described in the admission and release diaries as $\frac{P. R.}{T.}$ prisoners. The letters P. R. stand for "police registered", and the letter T. signifies "transfer". Six weeks before the impending release of a P. R. T. prisoner, his P. R. T. slip with the probable date of release shall be sent by the Superintendent of the transferring jail to the Superintendent of the receiving jail, who shall immediately forward it to the District Superintendent of Police for information. The second class is comprised of prisoners who shall not be so transferred, but shall be released from the jails

See para.
845.

in which they are confined at the time of the expiry of their sentence. This class shall be described in the admission register and release diaries as P. R. prisoners. If any prisoner known to be a member of a criminal tribe is not police registered, the case shall be brought to the notice of the District Superintendent of Police. When intimation respecting a prisoner's police registration is received from the police after his name has found entry in the admission and release diaries, the letters P. R. $\frac{P.R.}{T.}$

as the case may be, shall be added in red ink. The police P. R. form intimating the fact that a prisoner is on the police register, shall be attached to his warrant, and sent with him to any jail to which he may be transferred. On the death or escape of a P. R. prisoner of either class, the police P. R. form attached to his warrant shall be returned to the District Superintendent of Police of his district with an endorsement showing the date of his death or escape. All other P. R. slips shall be sent to the District Superintendent of Police of the district a fortnight before release is due, as directed in paragraph 1009.

NOTE 1.—For orders regarding P. R. T. adolescent prisoners of the casual class, see paragraph 239.

NOTE 2.—The numbers and names of $\frac{P.R.}{T.}$ prisoners should be noted in red ink in the release diary $1\frac{1}{2}$ months before the probable date of release, counting remission they are likely to earn, see paragraph 854.

See para.
837.

981. The state of every prisoner's education shall be ascertained on admission, and be entered in the admission register.

Entry in admission register of prisoner's education.

982. An abstract of the rules relating to the conduct of prisoners shall be read over to all newly admitted prisoners; and a copy of the abstract in the language of the district shall be hung up in every ward.

Rules regarding conduct of prisoners to be read over to newly admitted prisoners.

See para.
380.

983. On completion of the necessary entries in the admission registers and release diaries, and of the procedure ordered in the foregoing rules, which must ordinarily be effected within the day following the admission of the prisoners, the Jailers shall bring these registers and the prisoners with their warrant before the Superintendent, who shall satisfy himself that the entries (which he shall initial) are correct and that the rules have been carried out. The list of every prisoner's property on his warrant shall be read over to him in the Superintendent's presence, and if the prisoner acknowledges it to be correct the Superintendent shall initial the entry. The Superintendent shall also at the same time write any special order regarding the treatment of any prisoner that may be necessary in his history-ticket.

Admission register, release diaries and warrants to be checked by Superintendent.

See paras.
1032 and
1036.

984. The Superintendent shall submit to the Inspector-General the descriptive roll of any prisoner having influence in the district or who is a convicted jail officer whose transfer to another district is expedient.

Prisoners having influence in district to be transferred to another district.

SECTION II.—THE SAFE CUSTODY OF PRISONERS

A.—THE GUARDING OF PRISONERS

Guarding of
prisoners.

985. The main principle to be observed in guarding a jail is that every prisoner shall at all times, both by day and night, be in charge of some responsible officer whose responsibility for an escape resulting from negligence can be proved in a criminal court. To effect this, it shall be a strict rule that a record of the names of the prisoners made over to each officer shall be kept in a gang-book, and that every subsequent change of a prisoner from one gang to another shall be recorded therein; also that at every change of guard a head warder shall be present to witness and verify the number of prisoners made over to the relieving officer. See para. 437.

Procedure
for guarding
of prisoners.

986. The following procedure shall be observed:—

(a) For day work the whole of the Head Warders and warders on the establishment, excluding the reserve guard and gate warders, shall ordinarily be divided into two squads. The first squad shall come on duty at the opening of the wards.

(b) Immediately before the opening of the wards the Jailer and Assistant Jailers and all the Head Warders with the warders who are to be on duty in the morning shall enter the jail together.

(c) The Jailer (or in Central Jails the Chief Head Warder) shall then let out of their ward the watchmen who are to watch the jail walls during the first turn of duty (these watchmen should be locked up in one ward, not scattered over several). One of the Head Warders shall take these convict watchmen to the latrine and then shall post them round the jail walls.

(d) When the Head Warder has reported that the wall guards are posted, the wards shall be opened, and the prisoners counted out in pairs in the presence of the warders of the last watch respectively responsible for the wards and of the relieving day warders who are to take charge of the prisoners during the morning parades. The number counted out shall be carefully verified by the Jailer by comparison with the lock-up note-book. When this is done the relieved warders of the fifth night-watch will be marched out of the jail.

(e) When the morning parades are completed the prisoners shall be distributed into their respective gangs, and a responsible officer shall be placed in charge of each gang. The responsibility for the charge of a gang shall never be divided between two or more officers. The strength of a gang working outside the jail walls but within jail precincts shall not exceed 20 prisoners; any gang working beyond jail precincts shall not exceed 15 prisoners. Each paid warder in charge of a gang working outside the jail shall have with him as assistants one or more convict warders or overseers, and also, if possible, one or more convict watchmen in the gang. The same system shall be followed in regard to gangs inside the jail. See para. 714.

(f) The first squad of warders and convict warders shall be relieved at noon by the second squad, which shall be brought in by the Head Warders for the second turn of day duty, and shall remain in charge until all prisoners are counted into the wards and locked up at night, at which time the night patrol shall come on duty.

See para.
813.

(g) When the warders and convict officers are posted to their gangs in the morning the names of prisoners in each gang shall be called from the gang-roll in presence of the officer who is to take charge of them, and as each prisoner is called he shall answer "*hazir*". (In the case of outside gangs this may be done at the main gate.) Each gang shall also be counted in the presence of the warder or officer receiving charge of it, whose name shall then be recorded in the gang-book. At each subsequent change of guard during the day the same procedure shall be followed, whether the change is made in the ordinary course or on account of sickness or other cause. The rolls of gangs inside the jail made over to the independent charge of convict warders or overseers need not be called at noon if these officers are not changed during the day; but their gangs should be counted and verified at the time the warder guard is changed. In Central Jails there should be several gang-books for different sections of the jail, so that the rolls may be called simultaneously by the several Head Warders to save time, and convict writers will be allowed to assist in writing up the gang-books. In these jails in the cold season, when only one hour is allowed for the midday stoppage of work and parades there is not sufficient time to call the roll at the midday change of guard, the gangs, therefore, shall then only be counted.

(h) In the evening when work is stopped the gang shall be collected for the parades, and shall then again be counted and verified.

(i) Warders in independent charge, and convict overseers in subordinate charge, of extramural gangs must be specially careful to keep their prisoners as much together as possible, and should be warned that they are on no account to let the prisoners wander about or go out of their sight on any pretext whatever. Any prisoner temporarily detached from such a gang for a special purpose shall be under the charge of a convict warder or overseer of the gang. The paid warders shall always accompany any of the prisoners (*mehtars* for instance) when they go outside the jail, leaving the prisoners remaining inside in the charge of the convict overseers. The *mehtars* who are to go outside should be distinctly specified in the gang-book.

(j) Extra warders should not ordinarily be employed in charge of outside gangs.

(k) After completion of the afternoon parades the first night patrol shall be brought in by the reserve Head Warder, and the Jailer (and, in Central Jails, octagon officers and their assistants and Head Warders) shall count the prisoners into their wards respectively in the presence of the warder or convict officer who is to take charge of each ward for the first watch.

When all are locked up except the convict warders and overseer night-guards who are to take part in the first watch, the total number of prisoners shall be verified.

(l) After locking up the keys of the wards and all other buildings with the exception of those of the cells shall be collected, in District and Subsidiary Jails by the Jailer, and in Central Jails by the officer in charge of the lock-up in each section, who shall send them to the Jailer, who shall give a receipt for the number received. The keys then shall be placed each on its labelled hook in the key cupboard at the main gate, the key of which shall be kept by the Jailer. The numbers of prisoners locked up and the numbers of keys retained in each section of the jail shall be noted in the lock-up note-book, so that the officer in charge of each watch may satisfy himself that he receives the correct number of both.

GUARDING BY NIGHT

(m) The night shall be divided into five watches, viz.— See para. 448.
From 6 p.m. to 9 p.m., 9 p.m. to 11 p.m., 11 p.m. to 1 a.m., 1 a.m. to 3 a.m., and 3 a.m. to 6 a.m.

(n) For the guidance of Superintendents the recommendations of the Jail Commission, 1889, in the matter of night watches, are appended:—

Watches	Men to be on watch	Patrolling officer	Men to form reserve guard at night
(1)	(2)	(3)	(4)
<i>Central Jails.</i>			
6 p.m. to 9 p.m...	4 ordinary warders and 3 reserve warders.	Reserve Head Warder.	When 10 of the reserve are on duty for 5th watch, the rest of the reserve and the 10 men of the 4th watch will form the reserve. The sentry at the main gate will be furnished by the reserve and change at the same time as the other men on watch.
9 p.m. to 11 p.m.	10 ordinary warders.	A Head Warder	
11 p.m. to 1 a.m...	Do. ..	Do.	
1 a.m. to 3 a.m. ..	Do. ..	Do.	
3 a.m. to 6 a.m. ..	10 reserve warders.	Do.	

First Class District Jails.

6 p.m. to 9 p.m...	4 ordinary warders.	Reserve Head Warder.	When 4 of the reserve are on duty for the 5th watch, the rest of the reserve and the 4 warders off duty will form the reserve. The sentry at the main gate will be furnished by the reserve and changed at the same time as the other men on watch.
9 p.m. to 11 p.m...	Do.	A gate-keeper ..	
11 p.m. to 1 a.m...	Do. ..	A Head Warder	
1 a.m. to 3 a.m. ..	Do. ..	A gate-keeper ..	
3 a.m. to 6 a.m. ..	4 reserve warders.	A Head Warder	

Second Class District Jails.

(o) The same as above, except that there will be three men in each watch.

(p) The strength and disposition of the night-guards for 3rd and 4th class District Jails and for Subsidiary Jails are left to the discretion of the Jail Superintendent concerned, who will so arrange matters as to ensure the utmost safety in the guarding of the prisoners. The above recommendations may be taken as a rough guide.

(q) The above distribution accounts for the whole of the paid warders. When any of them are on leave the convict warders shall take their places, but they shall be distributed over all the watches, and shall not all be on duty during one watch. When, as in Central Jails, there are more wards to be guarded than there are warders, the spare convict warders and overseer night-guards shall be employed in guarding those buildings for which there are no paid warders available; but they must be so distributed that every convict night-guard shall be under the eye of a paid warder, who shall be held responsible for seeing that he patrols properly. Convict officers shall not be employed to guard prisoners condemned to death, or prisoners in huts outside the jail walls, except in cholera camps.

See paras.
813 and 834.

987. No warder, convict warder, or convict overseer in independent charge of a gang shall leave his gang on any account whatever without first being relieved by a Head Warder, who, in case such officer's presence is required by the Superintendent or other superior officer, or in case of sickness, shall place some other warder or officer in charge. No prisoner shall on any account be allowed to leave his work or place without permission: and if he has to be sent to any other part of the jail he shall be accompanied by a convict overseer or other responsible officer.

Warders,
convict
warder,
or convict
overseer to
be in inde-
pendent
charge of
gang.

988. When more than 40 prisoners are taken beyond jail precincts two of the reserve guard armed with breech-loading muskets and ball cartridges shall be told off to follow the gangs and station themselves in a suitable position for rendering assistance if it is required.

Use of re-
serv
guard
armed with
breech-load-
ing muskets
and ball
cartridges.

989. During the night the watch must patrol round the outside of the barrack or barracks of which they respectively have charge, at a smart pace and shall on no account sit down or quit their beat. They shall be always on the alert. Each shall have his great-coat and a bamboo umbrella in wet weather and no warder shall seek other shelter from the weather either by day or night. No sentry boxes shall be allowed. They shall each be armed with a baton and carry a lighted lantern; they should frequently examine the gratings and doors and see that they have not been tampered with. They should look inside the wards, if possible, to see that prisoners are in their proper places and that the convict-watchmen are alert, not sitting down, or should frequently challenge them and make them report the number of prisoners if they cannot see them.

Patrol of
watch during
night.

Roster showing turns of duty of warder and convict warder.

990. A roster showing the turns of duty of each warder and convict warder shall be prepared every week by the Jailor (or in Central Jails by the octagon officer) or under his orders, and posted up in the guard-room. If it should be necessary to change any warder's turn of duty in the course of the week, the change must be noted on the roster. Each warder's beat should be changed every night and no warder should be informed beforehand to what beat he will be put. A record shall be kept in the octagon lock-up note-book of the officers put on each beat in each watch. Of the warders off duty half shall always be on the jail premises ready for any emergent duty. Any warder not present during his turn of duty shall be liable to punishment.

Special system of watch by convict overseers and watchmen.

991. There shall be a special system of watch by convict-overseers and watchmen in each ward the changes of watch will be at 8, 10, 12, 2 and 4. In cases where the wards require exceptional precautions, or are of unusual length, there shall be two or more watchmen on duty at one time. These convict-officers whilst on watch shall keep moving inside the wards, and shall prevent any prisoner leaving his place or committing any breach of prison discipline, and also satisfy themselves, by counting, that all the prisoners in their charge are safe. On change of watch both the relieving and relieved convict officer shall report to the patrol or other duly authorized official the number of prisoners made over. In case of any important occurrence the convict officer on watch shall give immediate notice to the patrol, who shall summon the Head Warder in order that he may make enquiry into the matter and take such action as he considers necessary.

Lamps in wards.

992. One or more lamps according to size of ward suspended from an iron rod eight or nine feet from the ground shall be kept burning in every sleeping ward. The lamp shall be placed in position by means of a hook attached to the end of a bamboo. This bamboo rod shall be kept outside the ward in the charge of the warder guard, and shall only be passed into the ward to the convict-watchman inside when the lamp requires to be taken down to be trimmed or re-lighted. The use of naked light is prohibited.

Duty of patrolling officer and of warder and convict-watch.

993. It is the duty of the patrolling officer and of both the warder and convict-watch to see that all the night lamps are kept burning brightly. Any prisoner wishing to visit the night latrine must obtain the permission of the convict-watchman, who will next morning report any prisoner who uses the latrine for defecation. In case of apparently serious sickness the matter should be at once reported to the warder patrol and to the Head Warder on duty.

See para. 1152.

Movement of patrolling officer at night.

994. The patrolling officer at night shall move about inside the jail visiting the patrolling warders, convict-night-guards, and convict-watchmen during the whole time of his watch. He shall keep the lock-up note-book with him and both on taking over and giving over charge shall see that the

See para. 421.

wards and cells are secure, and that the correct number of prisoners is reported to be in custody in each ward. It follows, therefore, that when changing guard at night both the relieving patrolling officer and the one to be relieved shall verify the numbers, see to the security of the wards and change the guards in company. The patrolling officer shall keep the key of the cells attached to his person by a chain. In case of serious sickness he shall give notice at once to the Assistant Medical Officer, and if he orders the prisoner's removal to hospital shall immediately send for the Jailer. Should any irregularity either on the part of warders or prisoners occur, he shall at once enter the circumstances in the lock-up note-book for report to the Superintendent or Jailer next morning. Immediate notice to the Jailer shall be given of any occurrence requiring prompt action on the part of a higher authority, such as attempt at escape, riot, fire or serious sickness. A quarter of an hour before the expiry of his term of watch he shall go to the gate sentry and order him to awaken the patrolling officer who is to relieve him, and having done so shall at once return to his duty inside the jail. He shall see that the main gate sentry is standing at his post between the gates, that he is on the alert, and that both gates are kept closed. Punctually at the hour for change of watch the patrolling officer who is to take the next watch shall bring in the relieving warders. The patrolling officer shall frequently search the warders between the gates on entering and leaving the jail. In Central Jails the Superintendent may arrange that the patrolling officer shall be assisted in performing the charge of guard by first grade warders.

NOTE.—Officers visiting the jail at night should occasionally do so shortly before the time for change of watch to ascertain that the patrolling Head Warder does not leave the jail sooner, and remain out longer, than is necessary, on pretence of going to wake up the next watch.

995. When it is necessary to let out some of the cooks before dawn to prepare the early morning meal, the Head Warder of the 5th watch shall let out the necessary number and put them in charge of a paid or convict warder. Only prisoners with short unexpired sentences should be selected for this work.

Cooks for early morning meal.

996. In Central Jails there shall be two locks on the wickets of the outer and inner main gates. The night sentry posted between the gates shall keep in possession the key of one lock on each gate. The key of the second lock on the outer main gate wicket shall be in the possession of the reserve Head Warder or officer in charge of the gate guard, and the key of the second lock on the inner main gate wicket shall be in the possession of the Head Warder who remains between the gates at night. In District Jails there shall be one lock on the inner main gate wicket, the key of which shall be in the possession of the night sentry posted between the gates, there shall be two locks attached to the outer main gate wicket, and the key of one lock shall be in the possession of the night sentry and the key of the second lock in the possession of the reserve Head Warder. In Subsidiary Jails in which no night sentries

Locks and keys of outer and inner main gates.

are posted between the gates the keys of the inner and outer main gate wickets shall be kept by the Head Warder who remains at night between the gates. The night sentry or in Subsidiary Jails the Head Warder shall not permit any person to enter or leave the jail until he has satisfied himself by examination with his lantern that the person is an official duly authorized to visit or leave the jail at night, and he shall not permit any warder to enter or leave the jail except in company with the Head Warder on duty. The officers authorized to visit the jail at night are the magistrate, official and non-official visitors, Superintendent, Deputy Superintendent, Jailer, Assistant Jailer, Head Warders on duty and the patrolling warders in the charge of the Head Warders; also the Medical Officer and his subordinates. He shall not loudly challenge any person presenting himself at the main gate, or give notice to the Head Warder or warders within the approach of any visiting officer; being posted behind a barred gate he can ascertain in safety whether the person has any business at the jail or not.

Night sentry to be armed with breech-loading musket and ammunition.

997. The night sentry shall be armed with a breech-loading musket and not more than five or less than three rounds of ball ammunition loose and ready, and is authorized, in accordance with rules, to use the weapon against any person attempting forcibly to break through the main gate either from within or without. He shall inform the reserve Head Warder whenever any officer of the jail visits the jail at night or of any unusual occurrence of importance during his time of sentry duty, and this Head Warder shall report the fact to the Superintendent next morning when making his daily report.

NOTE.—The Superintendent is empowered—

- (1) To increase the number of rounds to not more than 10 should he consider it necessary owing to local existing circumstances.
- (2) To decrease the number of 5 to 3 rounds of ball or even to substitute these by the issue of blank cartridges should he consider this advisable for any reason.
- (3) An order in both cases must be recorded by the Superintendent in his order-book and a copy must be sent to the Inspector-General of Prisons reporting the necessity of such an alteration.

Visits of Jails at night by Superintendent of Jails, Jailers and Assistant Jailer.

998. Superintendents of Central Jails shall visit their jails at night after lock-up at least once a fortnight, and Superintendents of District and Subsidiary Jails at least once a month, between the hours of 10 p.m. and 3 a.m. The Jailer and Assistant Jailers shall visit the jail in turn at uncertain hours in accordance with detailed orders to be recorded by the Superintendent in his order-book, and shall record the result of their visits in the Jailer's report-book.

Opening of wards at night.

999. (a) Should it be necessary to open a ward at night to take out or admit a prisoner, previous to unlocking the gate or door, a chain should be so attached to the doors, or to the door and door-post, as to prevent the admission and exit of more than one person at a time; this procedure will render futile any combined attempt to break out through the doorway when the door is opened. See para. 454.

(b) Excepting in the case of the cells and then only in cases of very grave emergency, no buildings in which prisoners are confined shall be opened at night except in the presence of the Jailer.

B.—ESCAPE AND OUTBREAKS AND ALARM PARADES

1000. The precautions to be taken and the procedure to be adopted to guard against and deal with cases of escape and disturbance in jails are laid down in the following rules.

See paras.
480, 834 and
1087.

1001. All locks used for securing wards, cells, and the main gates shall be thoroughly examined daily by the Head Jail, to ascertain that they are in good working order. Any lock out of order shall forthwith be brought to the Superintendent of the Jail for his *personal* inspection, and all locks, that have become unserviceable but are repairable shall be sent to the dealers* with whom arrangements have been made by the Inspector-General for supplies. Country locks should only be used in places of no importance, such as the securing of the lids of water drums or the locking of barrack lanterns and the such like. Any locks that are condemned as being beyond repairs shall be sent carriage paid to the Inspector-General for disposal. In the event of a key being lost or mislaid the lock shall at once be condemned and replaced at the cost of the official responsible, the old lock being sent to the Inspector-General. There must be no master key or duplicate† key. A register should be maintained of all locks in the jail whether in use or not in the prescribed form and a report should be submitted to the office of the Inspector-General on 20th April and 20th October of every year to the effect that all locks are correct and that none have been replaced by country locks. This report should be made on the half-yearly stock-taking reports at present submitted to the Inspector-General under paragraph 294. All entries in the original register should be signed by the Superintendent and the Jailer. Entries pertaining to lost or condemned locks should be scored out in red ink and initialled by the Superintendent. Lever locks must not be oiled with vegetable oil, as it causes the levers to stick together and thus renders the lock easy to pick. The keys of wards, cells, godowns, or any other place of which the security must be assured shall not be put in the hands of a convict officer or of any prisoner. If convict officers are allowed to have common pad-locks and keys for temporarily locking up tools or materials in their charge during the day time, the keys shall be taken from them before lock-up. In order to relieve paid warders, as far as possible, convict warders and overseers may, by day, be placed in charge of the keys of the circle gates, but these keys must be taken from them before lock-up.

Rules for
guarding
escapes and
disturbances.

*For Sparling Security Brass pad-locks—Sparling Patent Lock Works, Aligarh.

†A duplicate key of the armoury should be kept as provided in paragraph 536.

Warning to jail officials of penalties permitting an escape of prisoner.

1002. (a) All jail officials and convict officers should be frequently warned by the Superintendent and Jailer of the penalties they incur under paragraphs 483 and 812 for negligently or wilfully permitting an escape. Any paid officer dismissed for this offence shall not again be employed in the jail service without the sanction of the Inspector-General. All prisoners shall also be held responsible for the prevention of escapes, and any prisoner who appears to have been instrumental in aiding an escape, or to have been privy to it in any way, shall be punished. See para. 728 (f).

Prosecution of prisoner who escapes or attempts to escape.

(b) Every prisoner who escapes, or attempts to escape shall be prosecuted judicially. Every officer who negligently or voluntarily permits a prisoner to escape shall be prosecuted as provided in paragraph 483. On no pretext shall these offences be treated as breaches of jail rules.

Prosecution of civil prisoner for escaping.

(c) A civil prisoner by escaping commits an offence under section 225-B of the Indian Penal Code and can be arrested by the police without warrant, under clause 5, section 54 of Act X of 1882. On the occurrence of an escape of a civil prisoner, intimation shall be given to the judgment-creditor, who may, if he be able to ascertain the whereabouts of the prisoner, assist the Jail authorities and the police in re-capturing him. On re-capture after escape, or on the occurrence of an attempt to escape the prisoner shall be prosecuted before a criminal court under section 225-B, Indian Penal Code.

Under-trial prisoner attempting to escape.

(d) An under-trial prisoner attempting to escape shall be brought before the magistrate for trial under section 224, Indian Penal Code, without delay.

(e) All cases where prisoners prevent an escape or give such information as may lead to the prevention of an escape shall be brought to the notice of the Inspector-General; and if the prisoner comes under the remission rules extra remission may be given or recommended, as the case may be. See para. 158.

Broken glasses not to be fixed on top of outer walls of jail.

(f) Broken glass must not be fixed on the top of the outer walls of a jail, as it affords a hold for a blanket or for cloth thrown on to the wall, and thus facilitates escape; and there shall be no cornice or projection on the top of a wall, which should be rounded or sloped to an edge. At every junction of a partition wall with the outer wall of a jail, there shall be a semicircular addition to the outer wall of sufficient dimensions to prevent a prisoner from scaling it when standing on the partition wall.

Signal of occurrence or escape of alarm parade.

1003. (a) There shall be a signal of the occurrence of an escape or outbreak (or for an alarm parade) which signal may be the beat of a drum placed near the reserve guard sentry outside the main gate, or the ringing of a bell or gong in a prominent part of the jail, or some other preconcerted arrangement. If a bell or gong is used for the alarm it should be rung or struck rapidly. When the alarm is given, all warders in charge of prisoners shall march them to the nearest ward or secure place and lock them up.

(b) Immediately a prisoner is found to be missing the officer making the discovery, no matter what his rank, will blow his whistle. If the prisoner is working in an out-gang at such a distance from the jail, that the sound of the whistle cannot be heard at the jail, the gang as well as other gangs working there shall be marched back at once to the jail gate, the whistle being sounded on the way until the alarm is taken up at the jail gate. If, however, the prisoner escapes from an out-gang within jail precincts or within hearing distance of the jail gate, the whistle shall be blown at once by the warder in charge. In every case of escape from an out-gang as soon as the alarm has been taken up all the prisoners of that gang as well as the prisoners of all other out-gangs shall be at once secured by means of a belchain passed through their ankle rings, and the two ends pad-locked together. The key of the pad-lock shall be kept by the warder-in-charge. If the prisoner escaped over the wall or from near the jail and may be lurking in the vicinity, the Jailer shall despatch as many of the warders off duty as can be spared to search for him, and shall at the same time send notices to the nearest police *thana*, to the District Magistrate, and to the District Superintendent of Police with full descriptive rolls of the missing prisoner sufficient for his identification, and stating his usual place of residence. If the prisoner is missed from a ward at night, or after all the gangs are inside the jail, the alarm should be at once sounded, the walls shall be guarded as in an alarm parade and the Jailer shall then take in the reserve guard and spare warders unarmed to search for the prisoner. If it appears probable that the prisoner is still lurking within the jail walls, the convict warders and night guards off duty shall also be taken out and posted round the outer walls inside. They should be furnished with lighted torches and be ordered to give notice if any prisoner approaches the walls. (Torches ready for use should be kept in stock.) If it is found that the prisoner has scaled the wall and got away, notices to the police and magistrate should be sent without delay, as ordered above. If the prisoner belongs to any district other than the one in which he was confined, a report in the same form shall be made to the magistrate of the district in which the prisoner resides, and to the magistrates of all districts which he is likely to traverse on his way to his own district, and a report shall also be furnished to the Superintendents of Railway Police, if the prisoner is likely to avail himself of the railway. If it appears expedient, information shall be sent by telegraph to the police of other districts. If the Superintendent is absent from the jail, the Jailer shall send immediate notice of any escape or attempted escape to him.

(c) On recapture, intimation of the fact shall be given to all officers who have been addressed under the preceding rule. An escaped prisoner who is recaptured may be received back into jail on his original warrant. The time he is at large does not count as sentence served; the date of expiration of sentence shall be calculated as prescribed in paragraphs 1012, 1013 and 770.

(d) A separate report of the escape and recapture of each prisoner shall be submitted to the Inspector-General. In the case of escapes that do not arise from mere negligence but from some defect in the building or in the jail rules, such defect shall in all cases be pointed out.

Recapture of
prisoner.

Report of
escape and
recapture of
prisoners to
Inspector-
General.

Rewards for apprehension of escaped prisoner.

1004. Superintendents of Jails, with the concurrence of the Deputy Commissioner, may offer and pay rewards for the apprehension of escaped prisoners up to a limit of Rs. 25 taking into consideration the circumstances of the escape and recapture, the degree of exertion taken or danger run by the person recapturing the prisoner, the physique of the prisoner and the degree of resistance he offered and similar considerations. No rewards for the apprehension of prisoners who escape from the custody of the police shall be paid from the Jail Department Budget.

Whenever peculiar circumstances may render it advisable to offer a large reward than is authorized by the above rule, a special application shall be made to the Inspector-General of Prisons, who is empowered to dispose of all such cases and to sanction rewards up to Rs. 250 in each case. Should he consider a higher reward necessary, he shall refer the case for the orders of Government. For the re-apprehension of an escaped under-trial prisoner the amount of the reward shall be regulated by the importance of the case. See para. 246.

Entry in the cover of the current release diary of escape of prisoner not recaptured.

1005. (a) The name, register number and date of escape of every prisoner who has escaped and has not been recaptured shall be entered inside the cover of the current release diary of each year. When a prisoner is recaptured, the name should be marked off and the date of recapture noted. By this means every new Superintendent and Jailer can ascertain what escaped prisoners remain at large.

Action on occurrence of outbreak.

(b) In the event of any attempt to break out of the jail, or on any other disturbance occurring, the whole jail guard shall immediately be placed under arms with loaded muskets by the officer on duty, who shall at once despatch a messenger to the Superintendent and the Jailer. But in such cases the guard shall not act until the arrival of the Superintendent or the Jailer, unless to rescue or save the life of any jail official towards whom the prisoners are actually committing violence, or to drive back the prisoners in the event of their forcing, or attempting to force, the gate.

(c) If, however, the prisoners shall actually assault the jail officers, or attempt to break out of any particular ward or yard, the Jailer or, in his absence, the Assistant Jailer, if he considers that delay would be dangerous, shall order the guard to act. The Head Warder of the reserve guard, on arriving at the scene of disturbance, shall, in a loud tone of voice, give notice to the prisoners that if they do not immediately submit they will be fired upon. If circumstances admit of the delay, this warning shall be repeated thrice, and then, if there appear no other means of quelling the disturbance, he may open fire upon the refractory prisoners; but he shall be careful to stop it the moment they fly or submit. On the arrival of the Superintendent or other superior officer of the jail the guard shall act under his orders. See paras. 168 to 172.

See para.
445.

(d) When an outbreak occurs, the gate sentry having given the alarm shall with his breech-loader defend the gate. As it is necessary that the forcing of the outer gate should be prevented at all risk, the sentry may, under the orders of a superior officer if present, or if there be no superior officer present, and matters are urgent, on his own responsibility, fire upon any prisoner or prisoners attacking the gate-keeper between the gates or attempting to force the outer gate, provided that he shall not fire upon any prisoner who is neither actually using violence to the gate-keeper between the gates, nor attempting to force the outer gate, and provided also that he shall not fire upon any prisoner till he has warned him, at least once, that unless the prisoner desists and submits, he will fire.

(e) On the alarm being sounded, two warders of the reserve guard armed with their muskets and 20 rounds of ball should be posted on the roof of the main gate buildings to observe the movements of prisoners and to warn prisoners who may be near the inner gate that they will be fired on if they do not disperse.

Should they consider it necessary to save the life of any jail official who is being attacked, they shall open fire on the prisoners without awaiting orders.

(f) On hearing the alarm every jail official who is not on duty at the time in charge of prisoners, the reserve guard and all warders off duty shall at once attend at the armoury. In Central Jails each warder will take his musket and accoutrements from the armoury and the packet of ball ammunition lying alongside his musket and will fall in outside the jail gate. The reserve Head Warder will then lead the guard at the double to the scene of action.

In District and Subsidiary Jails each warder shall take his musket and accoutrements from the armoury and fall in outside the jail gate, and the reserve Head Warder will carry slung across his shoulder the bag of ball ammunition referred to in paragraph 442 (f) and lead the guard at the double to the scene of action, and will there distribute the rounds to the guard if called upon to do so.

(g) When the guard has entered the outer gate of the jail it shall be locked, and the inner gate shall not be opened unless the sentries on the main gate buildings report it is clear. These sentries will then join the guard proceeding to the scene of action.

The guard shall act under the orders of the Superintendent, or in his absence the Jailer, or in his absence the senior officer present, who will take such measures to deal with the disturbance, or escape as he may think necessary.

1006. In order to train all jail officials in their respective duties, which they will have to perform in the case of an outbreak, an alarm parade shall be held at unexpected hours, once a fortnight in Central Jails and once a month in District and Subsidiary Jails. In carrying out this parade the procedure ordered in paragraphs 1003 (a), 1005 (a), (e), (f), (g) and 1007 shall be strictly followed, except that warders who will have to fire shall have blank cartridge served to them instead of ball cartridge. After the guard has been marched into the jail they

Alarm
parades to
train jail
officials to
perform
duties in case
of an out-
break.

should be ordered to fire one or two volleys with blank cartridge and then be marched out and dismissed. At these parades the Jailer shall make a note of the time at which each jail official appears ready for duty after the alarm has been sounded. The date and hour at which each parade is held shall be reported by the Jailer in his report book, likewise the time taken by the reserve guard to come to the main gate, the time taken by his subordinates and other warders to muster and proceed to their posts, the names of any who were late or absent and the time taken to complete the parade. If the parade was not carried out correctly he shall state what the defect was and who was in fault. The opportunity should be taken at these parades to instruct the jail officials as to their duty in regard to the use of fire-arms or other weapons, in the sense of the orders contained in paragraphs 168 to 172. These orders should be fully explained to the officials at least once a month. The Jailers and Assistant Jailers should occasionally give the words of command at these parades, so that the warders will understand their orders in cases of emergency.

Police assistance in connection with outbreak.

1007. Where the police lines are sufficiently near a jail for the alarm signal to be heard there the constables stationed at the police lines shall take part in alarm parades, and if there is an outbreak they shall march to the jail to assist to quell it. The Superintendent shall make with the Superintendent of Police such arrangements as seem advisable for a concerted plan of action in the case of an outbreak.

Report to Inspector-General of serious assault by prisoners.

1008. A full report shall be submitted to the Inspector-General by the Superintendent of any serious assault committed by any prisoner upon a paid or convict officer, or of any combined outbreak amongst prisoners. Convicts of a sulky, morose, or violent temperament shall on no account be allowed to have in their possession a knife or other instrument which might be used as a weapon of offence. See para. 289.

SECTION III.—RELEASE OF PRISONERS

[NOTE.—For the method of calculating the date of release, see Chapter XXIV, section 1, on the admission of prisoners.]

Notices of anticipated release of prisoners.

1009. On the 1st and 16th of every month the District Superintendent of Police shall be furnished with notices of the anticipated release of all prisoners convicted in cognizable cases who are to be released during the second half of the month, and the first half of the following month respectively. At the same time he shall be furnished with notices of the deaths of any prisoners who died during the preceding fortnight. In the case of prisoners who are not police registered, these notices shall be in the prescribed form, a separate notice for each prisoner, but in the case of police registered prisoners it will be sufficient to fill in on the police register slips such additional information as is therein provided for, and deliver them. The District Superintendent of Police shall send a police officer to the jail for these notices and slips. When a prisoner convicted in a cognizable case is received after the preparation of the fortnightly notices, and his release will take place before the next notices See paras. 280, 385, 386 and 845

are due, or if such a prisoner is released before the expiry of his original sentence, and there has been no time to include his name in the fortnightly notices, a notice of the release shall be sent at once to the District Superintendent of Police.

See para.
280.

1010. When the sentence of a prisoner expires, the Jailer shall see that he is brought before the Superintendent, together with his warrant, and he shall be released in the presence of the Superintendent and at the jail gate. If by noon of the day on which his sentence expires the Superintendent shall not have visited the jail, the Jailer shall direct the prisoner's release, and shall sign all endorsements and registers "*for the Superintendent not present*"; otherwise all orders for the final discharge of prisoners are to be signed by the Superintendent of the Jail. In cases of release on appeal, payment of fine, furnishing security, giving bail, etc., in which the power of legal detention ceases as soon as the order of the court, which should be in English, is delivered at the jail, the Jailer shall release the prisoner on his own responsibility, provided always that an immediate reference to the Superintendent is, from the distance of the jail or other causes, impracticable. The warrants of a prisoner released by the Jailer shall be signed by the Superintendent as if the prisoner was released before himself. On receipt of a warrant for the release of a prisoner who has been transferred to another jail, it shall at once be forwarded *under a registered cover* to the jail in which the prisoner is confined.

Procedure
regarding
release of
prisoners.

NOTE.—The signature of the Jail Superintendent on warrants and other legal documents should be distinctly legible, and as the mere signing of an officer's name without any addition, showing the office held, is not a complete official signature, it should include at least an abbreviation of the officer's official title.

See para.
1017.

1011. The date on which a prisoner is entitled to be released shall be calculated by the Superintendent and Jailer, and an entry shall be made in the release diary under that date, giving the name and serial number of the prisoner. It is not the duty of the committing officer to note the date of release on the warrant. If the date of release is stated on the warrant incorrectly or omitted, the warrant shall not be returned for correction on that account. The entry in the release diary shall be made by the Jailer personally in a District Jail and in a Central Jail by such officer as the Superintendent shall depute by written order; but such entries will be checked and initialled by the Jailer. In case the term of imprisonment be changed, either by judicial imposition of additional imprisonment, or by remission of any part of the sentence, or by absence from the jail on bail or after escape, the entry shall be scored through with red ink and a reference made to the date of release under the new order, under which date a new entry shall be made. When whipping is awarded in addition to imprisonment, an entry shall be made in red ink in the release diary on the page for the day on which the prisoner is to receive stripes. Should this date be uncertain, owing to an appeal being made, two or three forward entries shall be made in the release diary as a reminder that the prisoner is to be brought up at the proper time to receive stripes. The Superintendent shall himself check each entry in the release

Calculation
of the date
of release.

diaries and admission register, and shall be personally responsible for the correctness of such entries, and for any illegal detention of a prisoner or failure to execute a sentence due to neglect of this rule.

Ordinary
calculation of
date of
release.

1012. The duration of a prisoner's sentence shall be calculated by the calendar year or month, unless stated in days. The day on which the sentence is passed and the day of release shall both be included and considered as days of imprisonment—(1) a prisoner sentenced to one year's imprisonment on the 15th January 1895, shall be released on the 14th January 1896; (2) a prisoner sentenced on the 1st January to one month's imprisonment shall be released on the 31st January and not on the 1st February following; (3) a prisoner sentenced to one day's imprisonment must be released on the same day: but if he be sentenced to imprisonment for 24 hours he shall be kept in confinement for that period. This rule shall also apply to civil prisoners.

Illustration:
—(1), (2) and (3), as in text. (4) Three prisoners are sentenced respectively, to one month's imprisonment on the 29th, 30th and 31st January 1906, all three sentences expire on the morning of the 28th February. (5) A prisoner sentenced on the 28th February to one month's imprisonment should be released on the 27th March.

Method of
calculating
release on
bail or
escape

1013. The following method shall be adopted in calculating the date of release of a prisoner who after conviction is released on bail pending the hearing of his appeal, and is afterwards remanded to jail to serve out his sentence, or who escapes and is at large for a certain period:—Add the period the prisoner has been on bail or at large, in years, calendar months, and days, to the term of his sentence; the date on which the sum of these periods will elapse, counting from the date of conviction, is the date of expiration of sentence. The court to which a prisoner surrenders after being at large on bail should note in the prisoner's warrant the date on which the prisoner was released on bail and the date of his recommitment to jail.

This rule will not apply to a prisoner sentenced under section 118 or 123 of the Criminal Procedure Code to imprisonment in default of furnishing security, if the prisoner is released on bail whilst serving such sentence, pending the disposal of his appeal against the sentence. The period during which he is on bail will count as part of his sentence.

NOTE 1.—A prisoner released on bail in court on the day he is sentenced without having been sent to jail shall not be deemed to have served any part of his sentence.

NOTE 2.—When the execution of a sentence is suspended pending an appeal but the prisoner is not released on bail, he should be treated as an under-trial prisoner and the period of suspension should not be added to the term of the sentence. The suspension of the execution of a sentence means suspension of penal labour and the period of suspension should be reckoned as part of the sentence awarded, or upheld by the revisional court whether the court orders the prisoner to be detained as under-trial or not. Suspension of the execution of a sentence when the prisoner is not released on bail does not mean that the prisoner should also be allowed the facilities and privileges of under-trial prisoners referred to in rules 928, 929, 931, 1138 and 1184 regarding food, clothes, smokes and interviews.

NOTE 3.—When a retrial is ordered and the accused is again convicted the second or revised sentence should be executed in absolute disregard of the period previously spent by him in jail, under the original sentence.

Illustration (1).—A retrial is ordered and the accused (released on bail) is subsequently sentenced; the period passed by him in jail, before his release on bail, will not count in calculating his release, as part of the revised sentence.

Illustration (2).—A retrial is ordered and the prisoner is not released on bail, but ordered by the court to be treated as under-trial, the period of his stay in jail as an under-trial prisoner is not to be reckoned as part of the sentence awarded him on reconviction.

1014. When a prisoner is sentenced, either on the same day or on following dates, to two or more sentences to be served consecutively, the date of release shall be calculated as if the sum of the terms was awarded in one sentence. Calculation of date of release when there are two

Illustration.—A prisoner sentenced on the 21st June 1895 to one year's imprisonment is, for another offence, subsequently sentenced to a further term of one year, the period to commence from the expiration of the first sentence; he will be released on the 20th June 1897, not on 19th June 1897. or more sentences.

1015. If the prisoner be sentenced to imprisonment of which the whole or any portion is in default of the payment of any fine, and if the fine or a portion of it be not immediately paid, the date of release shall be fixed and entered in the release diaries on such dates as shall correspond to payment as well as non-payment of the fine. When any portion of the fine is subsequently paid, the date of release shall be altered accordingly. Entries to be made in release diary when sentence includes fine.

Illustration.—If a prisoner be sentenced on the 1st January to six months' imprisonment and to a fine of Rs. 300, and it be ordered that if the fine be not paid he be imprisoned for a further period of six months, then, supposing that the prisoner, immediately on conviction, pays Rs. 100, the date of release shall be first fixed at 31st October (*viz.*, 6 months + 4 months, the equivalent of the fine unpaid), and entries shall be made in the release diary on the 30th June and 31st October; if he afterwards pays another Rs. 100, the latter date will be changed to 31st August; and on his paying the whole the fact shall be noted opposite the entry on the 30th June.

1016. If a prisoner who is sentenced to a fine and in default to imprisonment for a certain number of months, pays any part of his fine, the remission for the payment shall be calculated in calendar months, and not in days. Any fraction of a month obtained by such calculation shall be reduced to days. A fraction of a day shall not be counted. Calculation of date of release in part-payment of fine.

Illustration.—If a prisoner be sentenced on the 15th July to six months' imprisonment and to pay a fine of Rs. 300, or in default of payment to serve six months' further imprisonment, and he pays Rs. 63, the calculation shall be made as follows:—

Rs. $\frac{63}{300} \times 6 \text{ months} = \frac{378}{300} = 1 \frac{28}{100} \text{ months}$. The date of release, deducting one month, would fall on the 14th June. As the month preceding June has 31 days the $\frac{28}{100}$ of a month will be calculated on 31 days—

$\frac{28}{100} \times 31 = \frac{868}{100} = 8 \frac{68}{100} \text{ days}$. Here the remission for payment of Rs. 63 is one month and eight days.

If the prisoner has been sentenced on the 15th June instead of 15th July, the calculation of the $\frac{200}{100}$ of a month would have to be made on a 30 days' month because from any date in April to the same date in May is 30 days, as follows:—
 $\frac{200}{100} \times 30 = \frac{18}{10} = 7 \frac{8}{10}$ days, so that in that case the remission would be only 1 month and 7 days.

Release of
prisoners
under
fourteen
years' rule.

1017. (1) When a prisoner is sentenced at one trial or at separate trials to a long term of imprisonment, the question of his release will be raised as soon as the term of imprisonment already undergone (together with any remission earned under the rules) amounts to *fourteen years*. The case shall be reported for the consideration of the Provincial Government through the Inspector-General with full information regarding the character of the convict's crime, his conduct in prison and the probability of his reverting to criminal habits or instigating others to commit crime after release, in order to enable the Provincial Government to decide whether the prisoner should be released, and, if so, whether he should be subjected to police supervision or other suitable conditions. If the Provincial Government decides that the prisoner should not be released, then after an interval of two years from the date of the Provincial Government's order, the prisoner's case shall be reported again for reconsideration.

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D., Resoln.
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d. 6-9-05.

See para.
1011 and
also note
to rule 143.

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(2) The case of a prisoner under sentence of transportation for life will be dealt with on the same lines as that laid down in clause (1), whether the sentence be or be not coupled with term sentences of transportation or imprisonment.

(3) The Superintendent of the Jail in which the prisoner is undergoing his sentence will be held primarily responsible for submitting the report on any case falling under clauses (1) and (2) of this rule.

1018. (1) An Advisory Board will be constituted for the jails of the Central Provinces and Berar to make recommendations regarding the revision of long-term sentences of imprisonment passed by criminal courts in the Central Provinces and Berar. It will consist of four members, *viz.*, the Inspector-General of Prisons as Chairman, the District Magistrate, Nagpur, the Deputy Inspector-General of Police, Crime and Railways, and a non-official member appointed by Government. An officer of the Jail Department nominated by the Superintendent, Central Jail, Nagpur, of not lower rank than Assistant Jailer, will act as Secretary to the Board, but will not vote.

(2) The Board will meet twice a year in February and August at the Nagpur Central Jail on dates which will be fixed by the Inspector-General of Prisons.

(3) In these rules a long-term prisoner means a prisoner sentenced to three years' imprisonment or over.

(4) The sentence of every casual long-term prisoner who has served half the period awarded by the Court, and of every habitual long-term prisoner with not more than three previous convictions who has served two-thirds of that period will be brought

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under revision. The remission earned by the prisoner's conduct and diligence, excluding that granted in celebration of public events, will be included in the period undergone.

(5) No sentence should come up for revision until a period of 2½ years, including remission earned, has been served.

(6) Cases of long-term prisoners, who are confined in jails other than Nagpur shall be considered by the Advisory Board at Nagpur. The Inspector-General of Prisons shall arrange for the cases being collected at Nagpur.

(7) The Superintendent of the Jail where the prisoners, whose cases become due for consideration by the Advisory Board, are confined, shall obtain for the information of the Board from the District Magistrate of the district in which the prisoner was residing before his conviction, all material information bearing on the case and in particular a report regarding the prisoner's conduct and character before conviction and the local conditions under which the prisoner would live in the event of release. This information should be obtained on the prescribed form and the Superintendent shall enter on that form particulars regarding the prisoners' conduct in jail, opinion about release and in cases where release is desirable on medical grounds the best available medical opinion regarding the physical and mental condition of the prisoner. To enable the District Magistrate to collect the above information he will be asked to report two months before the meeting of the Board.

Regarding the release of the prisoner the District Magistrate shall give his opinion as to the effect of release upon law and order in the district and shall give his reasons in brief, if he opposes release on the ground that law and order will be adversely affected in the district. His opinion on the wider question as to whether in a particular case, of say Rape or Murder, the prisoner was rightly convicted and adequately sentenced in the first instance would be irrelevant and even if of some relevance the question should be left by the District Magistrate to the Advisory Board and Government.

(8) He will also supply for the information of the Board the following documents concerning the prisoners:—

- (a) Particulars of the convict in the form given below.
- (b) History-ticket.
- (c) Copy of judgment passed in his case.

(9) The Board after a full consideration of the case shall make a recommendation to the Provincial Government either to postpone the question of the grant of remission for a period not exceeding two years or to release the prisoner with or without conditions. Good conduct in jail shall be an indispensable condition for recommendation by the Advisory Board for premature release in all cases except when the recommendation is made on urgent medical grounds. No recommendation for the release of a prisoner shall be made except with the concurrence of all the members of the Board. The Board shall state, in sufficient detail, the reasons for its recommendation and give special reasons where its recommendation for the release of a prisoner is in opposition to the opinion of the District Magistrate.

Remission of
a sentence.

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909-432-V(a),
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(10) The cases of persons who fall under the provisions of paragraph 1017 should also be submitted for the consideration of Advisory Boards.

NOTE 1.—The Board may take into consideration, in the manner laid down above, the case of any long-term prisoner convicted by a court within the jurisdiction of another Provincial Government.

In this case the District Magistrate's report referred to in paragraph 1018 (7) and the copy of judgment referred to in paragraph 1018 (8) will be called for three months before the meeting of the Board.

Recommendation in these cases will be forwarded by the Provincial Government to the Provincial Government within whose jurisdiction the convicting court lies.

Particulars of Convict No. confined in

Register No.	Name with father's (or husband's) name and caste	Class	Previous convictions, with dates, offence, sentence and place of each	Age on admission	Previous occupation	Residence
(1)	(2)	(3)	(4)	(5)	(6)	(7)

..... Jail who is eligible for remission.

Offence with section	Current sentence								
	Date	Period and kind	Sentencing court	Date of expiry	Period already expired	Remission already earned	Totals of columns (13) and (14)	Character in jail	Remark of Superintendent
(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)

NOTE 2.—The Board will also deal with the sentences of persons convicted by courts-martial in accordance with the provisions of rules 1 to 6 above.

Superintendents of Jails are authorized to obtain information regarding the prisoner's antecedents and character, together with a brief statement of his offence direct from the Adjutant-General in India. The antecedents of a man at the time of enlistment may be presumed to be satisfactory, and for the purpose of reviewing the sentence of a convict soldier, there is no practical necessity to inquire further into his past. It should be noted that courts-martial do not record judgments.

The Advisory Board will meet and make inquiries in the jail regarding the behaviour of the convict in prison.

The recommendations of the Advisory Board will be submitted to the Provincial Government who will forward them to the Government of India.

Examination of certain registers before release of prisoners.

1019. Each prisoner shall, before being released, be carefully compared with his personal description in the admission register and the Superintendent or Jailer, as the case may be, shall satisfy himself that the proper prisoner has been brought forward and that his sentence has been duly executed except in

See para. 976(2).

respect of remission earned under the remission rules. The following registers shall be produced before the Superintendent when a prisoner is released:—

- (a) Admission Register.
- (b) Release Register and Warrant
- (c) Property Register.
- (d) Remission Register (if the convict has earned remission).
- (e) Length of Time Census Register.
- (f) History-Ticket.
- (g) Release Certificate.

See para.
1023.

1020. No prisoner shall on any account be released after lock-up. Ordinarily prisoners shall be released after they have partaken of their morning meal, and as soon after sunrise as possible. All prisoners shall, before they are released, be required to bring to the office and deliver up their jail kits. All the articles of the kit shall be clean and ready for storing in the clothing godown. Any prisoner who gives up his kit in a dirty state shall be made to wash and clean it before he is released. A convict about to be released shall present himself before the Superintendent in his private clothes and carry in his hand for inspection the kit given him on his admission to jail or at the last issue of clothing.

Time for
release of
prisoners
and return
of jail kits.

1021. If the date of release falls on a Sunday, or on any of the jail holidays referred to in paragraph 671, the prisoner shall be released on the preceding day; but a civil prisoner entitled to his discharge on failure of diet-money must be released on a Sunday or any jail holiday, if the 1st of the month falls on these days.

Release of
prisoners on
Sunday and
jail holidays.

1022. No prisoner shall be released in the authority of a telegram, save in the case of telegrams despatched by a Secretary to Government or by the Registrar of the High Court.

Release of
prisoners on
telegrams —
exceptions.

1023. Every prisoner sentenced to imprisonment for 12 months or upwards shall, on release, be furnished with a certificate signed by the Superintendent to the effect that he has completed his term of imprisonment. In case any remission of sentence has been granted, the amount should be stated.

Certificate for
completion of
sentence.

1024. On releasing a prisoner, the Superintendent or the Jailer, as the case may be, shall deliver to him any property of which he may have been in possession and which is entered on his warrant, or the value of such property if it has been sold. An acknowledgment of the receipt of the property will be taken from the prisoner on the warrant, if he can write. In any case the prisoner shall be called upon to declare, in presence of a witness, if he has received his property in full, or to claim at the time anything not delivered to him. If any part of a prisoner's property is not found and delivered to him, a note of it shall be made opposite the item in the warrant, and the Superintendent shall decide what compensation is to be given to the prisoner and what officer is to be held responsible.

Delivery of
prisoner's
property on
release.

Release of
prisoner in
private or jail
clothing.

1025. Prisoners will ordinarily be released in the clothing in which they came to jail; but if this has been destroyed or sold, or appears insufficient for decency, a piece of cloth, and in cold weather, an old jail blanket, may be given to them. A little plain cloth should be kept in store for this purpose. Ordinarily any prisoner with over Rs. 2 to his credit should pay for the cloth supplied; but with some prisoners cases may still arise when the question whether to deduct the cost of the cloth supplied must be left to the discretion of the Superintendent of a jail. In the case of prisoners who have to their credit less than Rs. 2 the cloth will *ordinarily* be supplied *free of cost*. Care should be taken to see that no prisoner takes away any jail property with him.

NOTE—Prisoners who are rich or in tolerably good circumstances and whose relatives and friends come with clothing to receive them at the jail gate on the day of release shall not be supplied with a piece of cloth.

Supply of
outfit to ex-
military
European
prisoner
on discharge
from jail or
on transfer to
the United
Kingdom.

On discharge from jail or on transfer to the United Kingdom, an ex-military European prisoner will be allowed to retain such articles of his army kit as were taken into the jail and will be provided with an outfit on the following scale:—

- (1) One lounge cloth suit.
- (2) One hot weather suit.
- (3) One cotton vest.
- (4) One cap.
- (5) One cotton neck-tie.

The cost of this outfit will be met from the army estimates, but when an ex-military convict has clothing or money of his own, such personal effects will be taken into account in granting the outfit. If he has money and refuses to pay for the outfit to be provided, he will proceed with whatever clothing he has; the outfit will not in that case be provided by the State.

Subsistence
allowance to
prisoners on
release.
See para-
graph 849
regarding
payment of
allowances
to released
female
prisoners.

1026. Prisoners whose homes are situated five miles or more from the jail from which they are released shall, if their journey home is performed by road, be supplied on release, with a subsistence allowance of three annas a day. Fifteen miles shall be considered a day's journey by road. Prisoners whose homes are on or near a line of railway shall be supplied with a railway ticket (which should be obtained from the station master on the usual form of railway warrant) for the lowest class to their destination, and in addition shall receive a subsistence allowance of three annas a day according to the time necessary for the journey. Prisoners whose homes are situated less than five miles from the jail shall be granted no subsistence allowance, but they shall not be set at liberty until they have been supplied with the early morning meal. A list shall be prepared for every jail showing the several *thanas* of the district in which the jail is situated and their distance from the jail. The distance of each *thana* from the jail shall be taken as the distance of every village within the *thana* jurisdiction unless the Superintendent of the jail considers (for reasons to be recorded in his order book) that in any particular instance the amount of the subsistence allowance should be calculated on the actual distance to the village in which the prisoner's home is, in which case the Superintendent will be held responsible for the accuracy of the

distance as charged for. No prisoner whose home is more than five miles from the jail shall, however, be refused subsistence allowance by reason of the *thana* within the jurisdiction of which it is situated being within five miles of the jail. The list of distances referred to above should be prepared by the Superintendent in consultation with the District Magistrate. Released prisoners who are certified by the Medical Officer to be unfit to travel on foot owing to illness or physical infirmity, shall be furnished with cart-hire for the journey they will have to perform by road. This rule shall not apply to the cases of male prisoners who are residents of other provinces, unless they have been transferred, or unless they are in bad health, or owing to age or infirmity are unable to work their way home. Such prisoners shall be furnished with subsistence allowance and railway tickets (if necessary) to the places where they were respectively convicted and sentenced, or to their homes whichever is nearer, or if they do not desire to return to such places, they may be granted three days' subsistence allowance in order that they may not be left entirely destitute. The allowances granted by this and rules below shall be given in presence of the Superintendent when the prisoner is released by him.

NOTE.—In the case of a prisoner convicted under sections 112 and 113 of the Indian Railway Act, a railway warrant shall be granted, on release to take him to his home or to the place where he was arrested, whichever is less costly.

1027. "A" and "B" class prisoners when in transit from one jail to another or to their homes on release shall receive a subsistence allowance of annas 12 per day. 25 miles is considered as a day's journey by road for "A" and "B" class prisoners.

Subsistence allowance to "A" and "B" class prisoners.

1028. An Indian ex-military prisoner shall be released from jail in which he is confined at the time of release. He shall be furnished on release with subsistence allowance and a railway warrant to his home. The railway warrant will be issued by the Jail Superintendent at the expense of jail funds.

Release of Indian ex-military prisoners and subsistence allowance.

1029. All juvenile convicts shall, on release, be escorted to their homes by the police. Superintendents of jails shall send notice of the release of such prisoners to the District Superintendent of Police at least three days previously. The subsistence allowance granted to such convicts shall be made over to the policemen who escort them home in the presence of the convicts.

Police escort for released juvenile convicts.

See section 4, Act III of 1900.

1030. If the warrant of an appellate court directs that a prisoner shall be released on his own recognizance, the Superintendent shall cause a bond to be prepared in proper form, and after the prisoner shall have signed it in his presence, shall release him. If the warrant requires the recognizance of any other person the Superintendent shall not release the prisoner until he receives from the Magistrate a warrant setting forth that such recognizance has been given and ordering the prisoner's discharge. On release of the prisoner the release warrant shall be returned to the appellate court, together with the original warrant of imprisonment, with an endorsement thereon certifying that it has been duly executed, and with the prisoner's recognizance bond, if any.

Release of prisoner on his own recognizance.

If a prisoner refuses to execute a bond as directed by an appellate court, the Superintendent of the Jail shall report the matter forthwith to the court concerned, and that in case of failure to execute such a bond with surety, immediately after the expiry of the time, if any, fixed and shown in the supersession warrant for the execution of the bond, and, if there be no such time fixed then after the expiry of ten days from the receipt of the warrant in jail so that the court concerned may take any steps which appear proper.

Return of
prisoner's
warrant to
court of
issue on his
release.

1031. On release of a prisoner on expiry of sentence, or on bail, his warrant shall be returned to the court of issue, and not to the officer (by name) who issued it, with an endorsement showing the date and cause of release and the date on which the warrant was returned. The warrants of prisoners who die in jail shall in like manner be sent to the Magistrate of the district in which they are convicted. If a prisoner has served two or more sentences under separate warrants, each warrant shall be returned as above indicated.

See para.
846.

NOTE.—In the case of an escaped prisoner who remains at large, the warrant of commitment shall be returned to the convicting court on the lapse of ten years from the date of escape, with an endorsement showing the date of escape and the cause of return of the warrant.

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Jail Dept.,
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V (a),
d. 27-3-35.

SECTION IV.—TRANSFER OF PRISONERS

Transfer of
prisoners
under
Inspector-
General's
orders.

1032. The following transfers can be made, subject to the orders of the Inspector-General of Prisons :—

- (a) Transfers of prisoners under sentence of transportation to the Alipore Jail for embarkation to the Andamans when required there for any special purpose.
- (b) Transfers of prisoners for their health.
- (c) Transfers of prisoners to relieve overcrowding.
- (d) Transfers of prisoners to act as convict-officers, sweepers, cooks, etc., in another jail.
- (e) Transfers of prisoners to teach any special trade.
- (f) Transfers of youthful offenders to the Reformatory School or to the Narsinghpur Borstal Institution.
- (g) Transfers of "A" and "B" class prisoners.
- (h) Transfers of other prisoners for any special reason.
- (i) Transfers of prisoners convicted by Courts in the Central Provinces to Berar and *vice versa*.

See Act
XVII of
1923.

Transfer of
certain
prisoners
not to be
made.

1033. No prisoner who is incapable of ordinary hard labour from age, sickness or infirmity, or who has been sentenced to simple imprisonment shall be recommended for transfer unless under special circumstances.

Transfer of
prisoners
from one jail
to another
on account
of infectious
disease.

1034. No transfers shall be made from one jail to another when cholera or other infectious disease is prevailing in either jail or on the line of road along which the prisoners have to march.

See para. 188

1035. For all transfers other than those under Part IX of the Prisoners Act, a roll in the prescribed form (Nos. 106-107-XII-J. E.) shall be used. Transfer under paragraph 1032, clause (c), can be made by Superintendents of jails in anticipation of sanction when considered urgent after ascertaining that accommodation is available in the jail to which it is proposed to transfer the prisoners. Transfers under clauses (d), (j) and (i) can be made by Superintendents from time to time as required. In the case of a transfer from one jail to another the roll must be sent to the Superintendent of the jail to which the prisoners are to be transferred who should, in returning it to the transferring jail, record thereon whether accommodation is available. The roll should finally be sent to the Inspector-General of Prisons for information and return to the transferring jail.

Transfer of prisoners by Superintendents of jails in anticipation of Inspector-General's sanction.

See paras. 463 (4), 464 and 984.

1036. If notorious jail-breakers or other violent characters are imprisoned in a District or Subsidiary Jail, or if any jail officer or servant be imprisoned for a period of over one month, or if any near relative of any jail officer, or any person of great local influence be imprisoned information should at once be given to the Inspector-General with a view to the transfer of such prisoner.

Transfer to another jail of prisoners or notorious jail-breakers, or violent characters.

1037. A nominal roll in the prescribed form of all prisoners whose transfer is necessary under paragraph 1170 should be submitted by the Superintendents of Jails to the Inspector-General's office two months before their release falls due.

Nominal roll of prisoners.

See para. 313.

1038. All prisoners on the day previous to their being removed to another jail shall be examined by the Medical Officer, and no prisoner shall be removed unless the Medical Officer is satisfied that he is in a fit state to perform the journey.

Medical examination of prisoners before removal to another jail.

1039. The duty of providing escorts for prisoners transferred from one jail to another will devolve upon the District Superintendent of Police, who should be given at least four clear days' notice of the date on which it is proposed to despatch a convoy of prisoners.

Escorts for prisoners transferred from one jail to another.

See paras. 605 and 1044.

1040. Before transfer, the prisoners shall be paraded inside the jail provided with all necessary clothing and bedding, and such drinking and cooking vessels as may be necessary for the journey; the Superintendent shall personally satisfy himself that the clothing and bedding of each prisoner is correct in quantity and in good order.

Necessary clothing, bedding and vessels for prisoners before transfer.

See section 55, Act IX of 1894.

1041. The prisoners, together with their clothing and bedding, shall be carefully searched in the presence of the Jailer and of the officer in command of the police escort; the latter shall then receive charge of the prisoners, and shall be held responsible for their safe custody until they are again made over to the Jail Department.

Search of prisoners before police escort.

Handcuffing
of male
convicts
before leav-
ing the jail.

Transfer of
prisoners of
different
classes at
different
times.

1042. Before leaving the jail all male convicts should be handcuffed and connected together by a light hand-chain; all desperate characters should in addition be fettered, and the Superintendent should draw the attention of the officer commanding the escort to any prisoner who from his antecedents or conduct in jail is considered specially likely to attempt to escape.

1043. (1) Prisoners of different classes should, if it can be so arranged, be transferred at different times; when different classes are transferred at the same time they shall, so far as may be practicable, be kept apart from each other, and no prisoner of one class shall be attached to a prisoner of another class. P. W. D. Resolution No. 1424-31-R. of 8th April 1879. -

(2) Every military prisoner, A and B class prisoner, civil prisoner if insane, violent or dangerous, and all parties of prisoners and guards when, inclusive of guards, the party exceeds three in number, shall be despatched in reserved compartments.

(3) With the exceptions in class (2) every party of guards and prisoners when the number of persons (guard included) does not exceed three, shall travel in ordinary carriages.

(4) "A" class prisoners and military insanes shall be conveyed in second class, "B" class prisoners and special class undertrials in intermediate class and "C" class prisoners in third class carriages. "A" and "B" class male prisoners and all female prisoners will ordinarily be given a conveyance for the journey between the railway station and the jail. [See also paragraph 782 (14).]

NOTE.—If intermediate class accommodation is not provided by railways on any train running on the route or part of the route by which "B" class convicted prisoners and special class undertrial prisoners have to be sent, these classes of prisoners may be conveyed in second class on that route or on the part of that route. C. P. Govt. Jail Dept. memo. No. 313-372-V (a), d. 3-7-36.

Jail official to
accompany
every batch
of prisoners
transferred.

1044. A jail official shall accompany every batch of prisoners transferred if the number of such prisoners exceeds ten; sufficient money for road and rail expenses and for the food of the prisoners should be entrusted to him, and an account of expenditure taken on his return. If the convoy of prisoners numbers ten or less, the duties which would otherwise be performed by the jail official shall be performed by the officer in charge of the escort.

The entire responsibility for the safe custody of prisoners during transit rests upon the police who shall take special care and see that no irregularity occurs during transit. No responsibility for the custody of prisoners in transit shall be given to a jail official nor shall a jail official accept such responsibility. C. P. Govt., Jail Dept., memo. No. 2490-2185-III, d. 1-10-43.

Duties of jail
official when
transferring
a prisoner.

1045. The duties of the jail official are—

- (a) to provide the daily rations and arrange for the cooking of the same;
- (b) to preserve carefully the nominal and descriptive rolls, history-tickets, and other papers sent with the gang;
- (c) to receive and return safely to the jail from which the gang was despatched, the clothing, bedding, irons, etc., of the prisoners;
- (d) to be responsible for the safe custody and safe delivery of property belonging to the prisoners sent on transfer;
- (e) to take receipts from the officials of the receiving jail of all prisoners' property made over by the escort;

- (f) to use every endeavour in his power to secure to the prisoners immunity from sickness and injury, *e.g.*, by procuring shelter for them in case of heavy rain, by keeping the gaiters of fettered prisoners well softened with oil, etc.

1046. Along with the prisoners and in charge of the jail official or of the officer in command of the escort (as the case may be) shall be sent—

Documents to accompany prisoner on transfer.

- (a) descriptive rolls in the form prescribed;
- (b) nominal rolls with copy of judgment of sentencing court (for prisoners sentenced to transportation);
- (c) a list of Government clothing and property;
- (d) a sealed packet containing the warrants, history-tickets, and (in the case of P. R. convicts) P. R. slips of the prisoners carefully brought up to date;
- (e) warrant of the Appellate Court (if any) and any orders of the Provincial Government in respect to the sentence.

C. P. Govt.,
Jail Dept.,
Memo.
No. 194-126-
V (a), d.
8-3-35.

1047. It is incumbent on the Superintendent to see that the completion or partial completion of any sentence is recorded on the back of the warrant of transferred prisoners, and the Jailer will be held responsible that such particulars are correct.

Entry of completion of sentence on the warrant of transferred prisoners.

1048. If it be found on the arrival of the prisoners at their destination that the property received does not correspond with the list, immediate notice should be given to the Superintendent of the despatching jail.

Notice of loss of property of prisoners at destination.

1049. When the prisoners have travelled by road, the clothing, etc., should be returned in charge of the return escort. When the journey has been made by rail the articles to be returned should be carefully made up into a bale, and sent to their destination by goods train.

Clothing, etc., of prisoners while travelling.

1050. Particulars of the route to be taken and of halts to be made, shall be entered in a memorandum of instructions which shall be given to the officer in charge of the escort; prisoners in transit should not be marched more than 15 miles in any one day.

Halts and marching of prisoners in transit.

1051. A closed lantern under charge of the sentry shall be suspended in any place in which a gang of prisoners is confined at night.

Lantern for gang of prisoners confined at night.

1052. When a prisoner dies in course of transfer from one district to another, the Deputy Commissioner of the district to which the prisoner was being transferred is required to make enquiries into the circumstances attending the prisoner's death and to forward to the Superintendent of the despatching jail a certificate of the prisoner's death under his official seal and signature.

Death of prisoner while on transfer.

Transfer of
prisoner
under
Extradition
Act.

1053. When a prisoner is transferred under the Extradition Act from a British jail to an Indian State to be tried for an offence committed in an Indian State and retransferred to the British jail to complete his term of imprisonment, the periods passed by the prisoner in the Indian State and in transit to and fro shall not count against the original sentence in the British jail.

Transfer of
prisoner
under
Extradition
Act.

1054. When a prisoner is transferred under the Extradition Act from an Indian State jail to a British jail to be tried for an offence committed in British territory, he shall be treated for the time he remains in the British jail as if his sentence had been suspended.

SECTION V.—PRISONERS' PROPERTY

Property of
prisoner how
to be dealt
with.

1055. A list of all property of a prisoner taken from him under paragraph 973 or delivered with him or afterwards received on his account, shall be entered in the admission register, in the column provided for the purpose, and cash and jewellery shall also be entered in the register for the purpose kept by the Jailer. Such property shall be dealt with by the Jailer under the following rules :—

See sec. 25
Act IX of
1894, and
also para.
379.

- (a) Such prohibited articles as tobacco, opium, ganja, chillums, intoxicating liquors, etc., shall be destroyed.
- (b) Perishable articles such as grain or food, if of any value, shall be sold and the proceeds shall be dealt with under clause (g) below.
- (c) If the Medical Officer considers there are sanitary objections to the retention of the clothing and bedding of any prisoner, or if a prisoner is suffering on admission from any infectious or contagious disease, his personal effects (excepting cash and jewellery) shall, under the written order of the Medical Officer, be destroyed. See para. 975.
- (d) If the clothing of a prisoner is ragged and absolutely worthless it shall be destroyed, and the Superintendent shall enter his order for destroying it in the admission register.
- (e) In the case of every prisoner sentenced to rigorous imprisonment for two years and upwards (not including imprisonment in default of payment of fine) his clothes shall be sold on confirmation of sentence on appeal or on expiration of the time allowed for appealing, if no appeal is made and the proceeds shall be dealt with under clause (g) below. This shall invariably be done before a prisoner is transferred to a Central Jail if sentence has been confirmed. In other cases the clothing of a prisoner sentenced to rigorous imprisonment shall be tied in a bundle and stored. *Lotahs*

and other non-perishable articles capable of storage shall be included in the clothing bundle. Every such bundle shall be labelled with the number and name of the prisoner and date of release. The bundles shall be arranged in the storage godown according to the month of release for the current year, and according to the year of release for subsequent years.

- (f) Valuable jewellery shall be folded in a separate paper packet for each prisoner, on which shall be inscribed the prisoner's number, name, and date of release and shall be kept in a secure box in the Jailer's office under lock and key.
- (g) Money (including sale-proceeds of any articles) shall be kept in a separate bag in the Jailer's cash chest. If the amount accumulated is large, so much as is not required for current payment to prisoners on their release, shall be paid into the treasury under Rule 642 (2) of the Financial Rules, Volume I, and the receipt passed by the Treasury Officer shall be filed in the cash-book. Whenever the balance on this account in the jail cash chest becomes less than is required to meet payments to prisoners about to be released, application shall be made to the Treasury Officer for the withdrawal of so much of the deposit as may be required. The receipt and disposal of all money belonging to prisoners shall be entered in the cash-book, and the date of entry of every receipt shall be noted on the prisoner's warrant.
- (h) A statement showing the gross receipts and payments of prisoner's cash, as well as the net amount which is to be credited into or withdrawn from the treasury on this account shall be furnished by the Superintendent to the Treasury Officer for incorporation in the treasury accounts as Revenue Deposits whenever any amount is remitted to or withdrawn from the treasury as an accompaniment to the challan or the voucher concerned.
- (i) The Superintendent shall for facility of audit furnish the following certificate through the Treasury Officer so as to reach the Accountant-General's office by the 15th of the following month :—
- “Certified that the amount of Rs. _____ withdrawn from Revenue Deposits during.....has been accounted for in the Jail cash-book and an amount of Rs. has been disbursed to the released prisoners, and that their acknowledgments have been obtained. The balance of Rs. is kept in the Jail cash chest.”
- Such a certificate should also be recorded in the prisoner's property register before it is submitted to Audit Office. The Superintendent need not furnish a stamped receipt for any amount drawn by him from the treasury in his official capacity.

Registered and insured articles and money orders for prisoners, how to be delivered.

1056. Registered and insured articles addressed to prisoners in jail should be delivered to the Jailer on his signing the receipts (and acknowledgments). Money orders for these persons should also be paid to them in the presence of the Jailer on his attesting their signature or mark on the money orders and acknowledgments. The Jailer will thus be in a position to keep the money in his custody as required by section 25 of the Prisons Act, 1894.

Sale of prisoners' property.

The sale of prisoners' property shall take place at the magistrate's *cutcherry*, and not at the jail gate.

Disposal of property of prisoner on transfer from one jail to another.

1057. On the transfer of a prisoner from one jail to another all his property shall be sent with him; and if any property is received for a prisoner after such transfer it shall be forwarded to the jail to which he has been sent.

Delivery of property or money of prisoner.

1058. Any property or money belonging to a prisoner may at any time during his imprisonment be delivered to his friends, with the approval of the Superintendent under an authority signed by the prisoner; but no prisoner shall be allowed to make over any of his clothing if he will thereby on his discharge leave himself with insufficient clothing; and no prisoner shall be permitted to make over any of his property to any other prisoner either during imprisonment or on release. Only such property shall be kept as can be stored in the jail godowns other than food godowns. If live-stock or cumbrous articles such as large boxes, *charpoys*, etc., are received with or for a prisoner, they shall be handed over to his friends, if he so desires, or shall be sold and the proceeds dealt with under paragraph 1055 (g). Any prohibited articles found on a prisoner, other than a civil prisoner, after his admission into any jail, shall be confiscated and all money realized from the sale of any article so confiscated shall, first, be lodged in full in the Government treasury to be credited to the appropriate account and made part of the general treasury balance. The Superintendent may award any sum, not exceeding one-third of any money or of the sale-proceeds of any property so confiscated, to any person concerned in the finding or discovery thereof and it may be drawn from the treasury on a contingent bill.

Disposal of property of deceased prisoner.

1059. (a) The property of persons dying in jail will be sent to the District Magistrate of the district in which the jail is situated; and the Superintendent shall forward with the property the prisoner's descriptive roll and a certified copy of the record relating to the prisoner's property. The wishes of any dying prisoner about his property should be mentioned to the District Magistrate in the forwarding letter. The Jailer is responsible that on the prisoner leaving the jail or dying, the property made over to him, or sent to him or made over to the District Magistrate, as the case may be, corresponds with what has been retained.

(b) When it is of trifling value it should be sold by the officer in charge of the *nazarat* and the proceeds after deducting the money order commission, should be remitted to the deceased prisoner's relative.

(c) If, however, it is sufficiently valuable to make it worthwhile for the heir to come and take it, whether he be in the same district or in another district, he should be notified to appear and take it within a month of receipt of the notice.

(d) If he fails to attend after due receipt of the notice the property should then be auctioned and the proceeds remitted to the relative, after deducting the money order commission.

1060. The property of an escaped prisoner shall be retained one year after his escape. If he is not recaptured within that period, his property shall be handed over to be dealt with in accordance with section 25 of the Police Act (Act No. V of 1861). Disposal of property of escaped prisoner.

SECTION VI.—ACCIDENTS AND SUICIDES

See para.
289.

1061. In all cases of sudden or violent death, or of supposed suicide, an inquest by the proper officer shall be held on the body for which purpose immediate report of the occurrence shall be made to the District Magistrate, or in his absence to the senior magistrate at headquarters; the proper officer to hold the investigation is the magistrate of the district or an officer deputed by him. A full report of the circumstances attending every case of sudden or violent death shall be submitted by the Superintendent to the Inspector-General. Enquiry and report regarding sudden or violent death or suicide.

See para.
791.

1062. Prisoners with apparently suicidal tendencies shall be carefully watched, and shall not be left alone in a cell at night. Poisonous drugs shall on no account be left within reach of prisoners. They must be kept locked up in a cupboard, the key of which shall remain at all times in the possession of the Assistant Medical Officer and must on no account be entrusted to a prisoner. Watch over prisoners with suicidal tendencies.

1063. Wells in jails shall be covered by a strong water-tight wooden or iron cover sloping from the centre to prevent prisoners throwing themselves into the wells, or dirt or soiled water finding their way into them. The trap doors of such covers shall be always kept properly and securely locked, and in Central Jails the key shall be in the possession of the octagon or section officer and in District and Subsidiary Jails in the possession of the Jailer. When water is to be drawn from the well, the key in Central Jails shall be made over by the octagon or section officer to the convict warder or overseer in charge of the water gang who shall close and lock the trap door before he leaves and return the key, and in District and Subsidiary Jails the key shall be made over to the Head Warder who shall close and lock the trap door before he leaves and returns the key. Ordinarily, there should be only a small hole, not exceeding eight inches in diameter, through which water may be drawn by means of a pump or bucket. Wells to be secured by covers to avoid accidents.

Well ropes to be locked up. Knives, broken glass or ropes not to be left about.

1064. Knives, pieces of broken glass, ropes, etc., shall not be allowed to lie about; knives and other tools used in the workshops and barbers' and tailors' implements shall be counted over and locked up by the warders at the close of work. Well ropes shall also be locked up, but chains rivetted to the covers need not be removed. See para. 455 (1).

Prisoners to be prevented from under-cutting earth to avoid accidents.

1065. All warders and overseers shall be specially warned to prevent prisoners from under-cutting when digging or moving earth. The sides of pits formed when digging *kunker*, brick-making, etc., must be sloped at such an angle that the earth shall not fall on the workmen. Superintendents and Jailers shall frequently inspect such places and strictly enforce this rule. Great care shall be taken when employing prisoners to sink wells or on other dangerous work; and prisoners shall not be required to undertake work of a specially dangerous nature. Blasting may be undertaken but the Superintendent shall give detailed directions about the amount of explosive to be used and how it is to be employed and satisfy himself that all arrangements are made for the proper supervision of the work of blasting.

Preservation of rope-ladder for accidents in wells.

1066. A rope-ladder capable of bearing the weight of three men shall be kept in the guard-house of every jail to be at hand in case of accidents in wells.

SECTION VII.—CIVIL PRISONERS

Classes of civil prisoners.

1067. If there be a separate civil jail the Superintendent of the criminal jail shall be Superintendent of the civil jail also; and the Inspector-General of Prisons, District Magistrate, official and non-official visitors and Medical Officer, Jailer and other subordinate jail officials shall have the same powers as regards both civil and criminal prisoners except where distinction is made in these rules.

Civil prisoners include three classes, namely:—

- (1) Civil debtors confined under a warrant in execution of a decree of a civil court.
- (2) Revenue defaulters under the Central Provinces Land Revenue Act, No. XVIII of 1881, and the rules framed under it.
- (3) Persons sentenced to confinement in a civil jail under section 318, 332, or 514 of the Criminal Procedure Code, or otherwise than as in clauses (1) and (2).

Scales of daily subsistence allowance of judgment-debtors.

1068. (1) Under the provisions of section 57 of the Code of Civil Procedure, 1908, the Provincial Government has prescribed the following scales of maximum daily allowances payable for the subsistence of judgment-debtors:—

Class I.—Persons who by social status, education and habit of life are accustomed to a superior mode of living—
As. 12.

Class II.—Other persons of respectability generally, such as landholders and tradesmen of the better sort—As. 9.

Class III.—Persons below the preceding class, but with some status, such as inferior landholders, petty tradesmen, etc.—As. 6.

Class IV.—All other persons not included in the above at such rate not less than 3 and not more than 4 annas *per diem* as the committing judge may prescribe in each case.

In cases of sickness, or for other special reason, daily allowances at a rate not exceeding double the above rates may be fixed.

Daily allowance of sick judgment-debtors.

See para. 606.

(2) Under rule 39, Order XXI, First Schedule of the Code of Civil Procedure, 1908, civil debtors shall be dieted at the expense of the judgment-creditor. In the case of revenue defaulters who are fed at the cost of Government, diet-money will be recovered from the Deputy Commissioner. Civil prisoners of class III shall be allowed diet on the ordinary non-labouring scale (see paragraphs 594 and 610) at the expense of Government. If specially so ordered by the committing officer, civil prisoners of both classes II and III shall receive the diet sanctioned for 1st class misdemeanants in paragraph 611.

Dieting of civil debtors at the expense of judgment-creditor.

NOTE.—The classification of judgment-debtors for the purpose of fixing their subsistence allowance is made by the court. It is, however, open to the Jail Superintendent to make a representation to the civil court concerned if the allowance appears insufficient in case of sickness, or for other special reason.

1069. Under rule 39, Order XXI, First Schedule, of the Code of Civil Procedure, 1908, the first payment of diet-money shall be made to the proper officer of the court for such portion of the current month as remains unexpired before the judgment-debtor is committed to jail, and such officer shall send the amount paid with the civil prisoner to the Jailer. No civil debtor shall be received into the jail unless the proper amount of diet-money is received with him. Subsequent payments (if any become due) shall be made to the Jailer by the decree-holder by monthly payments in advance to the full amount due for the ensuing month before the first day of each month. Should the decree-holder omit to pay the allowance as above, the Superintendent shall, without reference to the court, release the judgment-debtor. The release shall be made on the morning of the day for which no allowance has been paid. A receipt from a counterfoil book shall be given to the decree-holder for subsistence money paid into the jail, the amount received being credited in the contingent cash-book. All receipts and disbursements on account of diet-money shall be recorded at the time of receipt, or payment, in the Register of Civil and Revenue Prisoners (Register No. 8) and the daily totals of receipts and expenditure shall be carried forward, from this register, into the cash-book.

Monthly payment of diet-money in advance by decree-holders.

Discharge of
judgment-
debtor.

1070. Under section 58 of Act V of 1908 (Civil Procedure Code) and Act IX of 1894, section 33 (2), the judgment-debtor shall be discharged from jail—

- (a) on the amount mentioned on the warrant of committal being paid to the officer in charge of the jail;
- (b) on the decree being otherwise fully satisfied;
- (c) at the request of the person on whose application he has been imprisoned;
- (d) on such person omitting to pay the allowance as directed;
- (e) if the judgment-debtor be declared an insolvent;
- (f) when he has fulfilled the term of his imprisonment;
- (g) in the case of civil debtors, in default of payment by the decree-holder of the cost of clothing and bedding supplied by the Superintendent of the Jail under section 33 (2), Act IX of 1894. (See paragraph 1175.)

Certain
judgment-
debtors not
to be
discharged
without
order of the
court.

1071. In cases of (b), (c) and (e) above, the judgment-debtor shall not be discharged without the order of the court. Such order shall be in English and in the form prescribed by the High Court. With regard to case (f), section 58 of the Civil Procedure Code directs that no persons shall be imprisoned in execution of a decree for a longer period than six months, or for a longer period than six weeks if the decree be for the payment of a sum of money not exceeding fifty rupees.

NOTE.—But the Legal Remembrancer has ruled, in a case where prisoner was committed by the Small Cause Court, Calcutta, to the civil jail for three months under a decree for a debt, and subsequently the same prisoner after he had served half this term was ordered by the High Court to be confined in the civil jail under another decree for a sum exceeding Rs. 1,200 without any term of imprisonment being mentioned, that the second warrant should have full effect; therefore, if a civil prisoner is ordered to be confined in a civil jail under more than one warrant, each warrant shall have full effect from the date thereof, although the prisoner may thus be detained beyond six months.

Balance of
diet-money
after release
of civil
prisoner.

1072. After a civil prisoner has been released, if there is any balance of diet-money in the Jailer's hands it shall, if received from a civil court officer, be returned to the Court; but if received from the decree-holder, it shall be repaid to the decree-holder on his applying for it. If such balance remains unclaimed for more than two months, it shall be remitted to the treasury to the credit of Government. For every such refund of diet-money receipt shall be taken and pasted into the admission register opposite the account to which it relates.

Disposal of
articles
supplied by
decree-
holders.

1073. All articles such as utensils, clothing, etc., supplied by, or at the cost of the decree-holder, for the use of the judgment-debtor while detained in jail, shall, in the event of the decree-holder failing to take them back on the judgment-debtor's release from jail, be sent to the principal local civil court for disposal.

The Jail Superintendent should certify with each lot of property who paid for it, and why it is sent to the civil court.

1074. A copy of the rules relating to insolvency (Act III of 1907 as amended by Act V of 1920) shall be kept up in the civil ward of every jail, and Superintendents of jails shall assist civil debtors and revenue defaulters who wish to be declared to be insolvents in making the necessary application under the Code. These applications may be written by a warder or other official, and such paper and writing materials as are necessary may be supplied.

Applications
for
insolvency.

SECTION VIII.—UNDER-TRIAL PRISONERS

See para.
341, Chapter
XX and
Section II.

1075. Save as otherwise expressly provided in these rules, paragraphs 390, 954, 955, 959, 973 to 977, 979, 983, 1055 to 1060, 1019, 1020, 1022, 1024, 1026, 1030 and 1031, relating to the admission, search, release, and property of prisoners, shall apply to prisoners under trial. If any wound or mark of recent injury is observed at the medical inspection on admission, the prisoner shall be questioned regarding it, and if he attributes it to violent treatment while under arrest, the matter shall be immediately reported to the District Magistrate, or, in his absence, to the senior Magistrate present at headquarters. Except in the case of prisoners committed to the Sessions, on every warrant should be stated the day on which the prisoner is to be brought up before the Magistrate or other officer issuing the warrant. In Sessions cases when the date is fixed for the production of a prisoner it should be endorsed on the warrant by the Jailer. The number and name of every under-trial prisoner should be entered in the release diary at the top of the page relating to the date each is to be produced in court.

Admission,
search,
release and
property,
etc., of
under-trial
prisoners.

See para.
765
See section
511, Cr.
Proc. Code,
indicating
how previous
convictions
should be
proved.

1076. It is the duty of the jail authorities to endeavour by all the means in their power to ascertain whether an under-trial prisoner has been previously convicted. Information on this point shall invariably be reported to the police.

Information
regarding
previously
convicted
under-trial
prisoner.

1077. The under-trial ward shall be under the charge of a paid warder and shall at the regular hours be visited by the gangs employed in sweeping, supplying water, and giving food, under custody of a paid jail official, who shall prevent their holding communication with any of the prisoners under trial. Except for this, no convicted prisoners should be allowed to enter the ward.

Under-trial
ward to be
in the charge
of paid
warder

Judicial
Commis-
sioner's
Court Cir-
cular
No. IV-13
Criminal).

1078. If an under-trial prisoner be discharged in open court, or released on bail while attending the court, by the Magistrate or Sessions Judge, a notification of the fact under the signature of the officer so discharging or releasing him shall be sent on the same day to the jail.

Discharge
or release
on bail of
under-trial
prisoner.

1079. The weight of every under-trial prisoner on release shall be recorded in the under-trial register. In the case of under-trial prisoners who are released from court the last weight recorded on the history-ticket prior to release shall be taken to be the weight on release.

Weight of
under-trial
prisoner on
release.

Excessive detention of under-trial prisoners.

1080. Every case of an under-trial prisoner pending before a court for over a month shall be brought to the notice of the District Magistrate and any official visitor. Detentions of under-trial prisoners for over 3 months shall be reported to the Commissioner of the Division direct. These reports of long detentions to the District Magistrate and the Commissioner shall be sent on the 1st of every month. Detentions in excess of 6 months shall be specially reported to the Inspector-General direct with a view to the matter being brought to the notice of Government.

C. P. & Berar Govt., Jail Dept., Memo. No. 892-785-III, d. 1-8-45.

SECTION IX.—FEMALE PRISONERS

Separate cell for female under-trial prisoners.

1081. In the female division of every jail there shall be a block of cells in sufficient number for use as punishment cells and to afford separate accommodation for female under-trial prisoners. A female under-trial prisoner may, at the option of the Superintendent, if cell accommodation is available, have the choice of occupying a cell in the female enclosure instead of being confined in the under-trial prisoners' ward: provided the arrangements prescribed in paragraph 1087 regarding the guarding of cells in the female ward and the custody of the keys of these cells can be made.

Female prisoner not to remain alone in female ward.

1082. When, however, there is only one female prisoner in the female ward, and there is no female warder or overseer, and the prisoner is likely to be there for more than seven days, the Superintendent shall arrange beforehand for another female prisoner from the nearest jail to be sent to keep her company, or to send the prisoner to an adjacent jail. In extraordinary circumstances the Superintendent may allow a female friend to visit the prisoner and live with her in the jail. If the female prisoner has no friend who will stay with her, the Superintendent shall entertain a female as an extra warder to keep her company.

Child with mother.

1083. A child under the age of four years, the offspring of a female prisoner, whether a convict or under-trial, shall, if it has not been weaned or if it has been weaned and no friend or relative can be found to take charge of it, be admitted to jail with its mother. A child born in jail may be permitted to remain with its mother. Any female prisoner may be allowed to retain her child with her until it is four or with the approval of the Superintendent even up to six years of age, if she so desires. As soon as any child admitted or born in jail attains the age of four or six years, as the case may be, the Superintendent shall communicate with the Magistrate of the district of which the mother is or was a resident, with a view to arrangements being made for the custody of such child. For the diet-scale for children, see paragraph 598. Female convicts who have children with them in jail (except prisoners sentenced to transportation) shall not be transferred to Central Jails until the children have been made over to their friends or have otherwise been taken charge of.

See paras. 312, 342 and 598.

Birth of child in jail.

1084. On the occurrence of a birth in jail a statement in the prescribed form will be sent to the District Superintendent of Police.

1085. When a female prisoner (convict or under-trial) admitted in jail is certified by the Medical Officer to be pregnant the fact shall invariably be reported to the Inspector-General of Prisons with particulars as to date of admission, term of sentence and duration of pregnancy. The date of confinement (if the prisoner is confined in the jail) or the date of release before confinement should also be reported to the Inspector-General.

Pregnancy of female prisoner.

1086. The female division of a jail shall invariably be in charge of a matron or female warder. A female convict of the casual class of good character, who has served at least one-third of her sentence, may be employed in this capacity.

Female warder to be in charge of female prisoner.

See paras. 480 and 1094.

1087. A Sparling Security Brass padlock must be used to secure the outer door of the female ward and the key must remain in possession of the paid Matron, or if there is no Matron, with the Jailer, or Assistant Jailer while in charge of the jail. The key shall on no account be entrusted to any officer below the rank of Assistant Jailer. No duplicate keys of these locks shall be maintained save in the case of female ward of the Nagpur Central Jail, the main gate of which is locked from the outside. One of the keys of this Sparling Security Brass padlock will be in the possession of the Matron and the duplicate key will be in the possession of the Senior Jailer. Duplicate keys will also be kept in the Nagpur Central Jail to two locks of the hospital octagon gates to enable the Round Officers to move inside freely, the second key being kept by the warder on duty. In the Jubbulpore Central Jail and in the District Jails of Raipur, Amraoti and Akola, where the female ward door is locked from the inside by the Matron or the female warder, there shall be a second door, the lock of which shall be placed on the outside and the key of which shall be kept by the Jailer so that immediate assistance may be rendered to the Matron or the female warder in case of sudden emergency. The same rules apply to the custody of the keys of the barracks and cells inside the enclosure, but though the locks must be different from those in use in other parts of the jail they need not be Sparling Security Brass padlocks. After the opening out in the morning, and the feeding and latrines parades are finished, the women shall be locked up for work in the workshed, in charge of a female convict of the casual class, who shall remain inside the workshed, and be provided with a bell to ring in case anything is required. The matron, or where there is no Matron, the Jailer, is primarily responsible for the female ward. The Matron in a Central Jail or the Jailer in a District or Subsidiary Jail must be present when the warder in charge of the male sweepers admits them into the ward for conservancy.

Keys of female ward.

1088. No male officer shall on any pretext enter the female prisoners' enclosure without the paid matron or, if there be no Matron, without the Jailer, and the two shall not separate whilst in the enclosure. Should it be necessary to enter the females' enclosure at night, the Head Warder on duty shall call the Jailer, and these two officers together shall enter the enclosure. Warders acting as escorts to official visitors must remain outside the enclosure while it is being inspected, etc.

Restriction of male officer's entrance in female ward.

Female
prisoner not
to quit
female
enclosure
of jail.

1089. No female prisoner shall be allowed on any con- See para.
sideration to leave the female enclosure of the jail. 836.

SECTION X.—PRISONERS CONDEMNED TO DEATH

Warrant of
condemned
Prisoner.

1090. When a prisoner is sentenced to death, the police officer who attends the trial shall at once inform the Superintendent of the Jail in writing of the sentence that has been passed by the court, and if the sentence is passed by a Sessions Judge, that officer will issue a warrant of commitment pending confirmation of sentence by the High Court. When the sentence has been confirmed by the High Court, or is passed by the High Court, a warrant for the execution of the sentence will be transmitted by the Sessions Judge or an officer of the High Court, as the case may be, to the Superintendent of the Jail in which the person so sentenced is confined. Warrants for the execution of sentences of capital punishment should be addressed to the Superintendent of the Jail. See para. 906.

Confinement
of con-
demned
prisoner in
a separate
cell.

1091. Every prisoner sentenced to death shall, from the date of his sentence, and without waiting for the sentence to be confirmed by the High Court, be confined in some safe place, a cell if possible within the jail, apart from all other prisoners. The cell or room in which a convict condemned to death is confined shall invariably, before he is placed in it, be examined by the Jailer, who shall satisfy himself of its fitness and safety, and shall record the result of the examination in his report-book.

Search of the
condemned
prisoners.

1092. Before he is placed in this cell, if the prisoner is a male, the Jailer shall have him stripped and searched in his presence, shall take every article of private clothing or other property from him and shall give him a suit of jail clothing, three blankets (one blanket being instead of the usual tat bedding) and an iron cup, one brass tumbler and plate. If the prisoner is a female, she shall be searched in private by the matron or female warder or female convict-officer who shall take the same action as the Jailer in the case of a male prisoner. A prisoner shall not be put in fetters or handcuffs unless danger to the guard or to the prisoner himself may reasonably be apprehended from the prisoner's violence. If it is deemed necessary to put on fetters or handcuffs, the circumstance and the reasons therefor shall be reported to the Inspector-General. See sec. 30, Act IX of 1894.

Observation
by the jail
warder day
and night of
the
condemned
prisoner.

1093. From the time the prisoner is received back, from court after sentence, he or she shall be placed under the constant charge and observation of a paid warder of the jail, both day and night. Convict-officers shall not be employed on this duty. As a rule the ordinary warder guard of a jail ought to be sufficient for the occasional guarding of a condemned prisoner. If, however, the permanent staff is not sufficient extra men may See para. 411.

be entertained in advance of formal sanction of the Inspector-General. The responsible duty of guarding condemned prisoners should always be given to the most trustworthy permanent warders, the extra men who may be entertained, being placed on less responsible duties.

See para.
1087.

1094. The warder shall be armed with a regulation baton, and shall, wherever it is possible, be placed outside the grated door of the cell. The key of the cell lock shall, if the prisoner be a male, be kept with the warder to enable him to prevent any attempt at suicide; but, if a female, it shall be kept by the matron when on duty in the jail, otherwise by the Jailer. The lock must be one which cannot be opened by any other key in use in the jail. Under any circumstances, it is essential that the warder shall have a complete view of the prisoner and of all parts of the cell in which he or she is confined, during the night, therefore a lantern shall be so placed as to throw a good light on the prisoner. In the case of a male prisoner, unless the prisoner is attempting to commit suicide, the door of his cell should be opened only when there are three persons present to restrain him if he should attempt violence. Cell of condemned prisoner.

1095. When there are two or more prisoners sentenced to death confined at the same time in cells situated at some distance from one another, a separate guard shall be placed over each cell; but if the cells are contiguous, one warder shall be posted to guard three prisoners in contiguous cells. For any number of cells in excess of three, an extra guard shall be posted, even when the cells are contiguous. Separate guard for each cell.

1096. The Head Warder on duty shall frequently visit the sentries placed over such prisoners at uncertain hours during both day and night, and shall at once report to the Jailer, for communication to the Superintendent, any suspicious conduct on the part of the prisoner or any fault committed by the warders on guard. Frequent visit by Head Warder.

1097. Morning and evening daily, the Jailer shall carefully search every male prisoner condemned to death and examine his cell and assure himself that the prisoner has no weapon or other means of effecting his escape or suicide in his possession. This duty shall under no circumstances be delegated to the warders. Female prisoners shall similarly be searched by the matron in private, but their cells shall be examined by the Jailer. Daily search of the condemned prisoner.

1098. A prisoner under sentence of death shall be allowed the ordinary diet of a labouring prisoner. His food shall invariably be examined by the Jailer or Assistant Jailer before delivery to him, and shall be given to him in the presence of one or other of these officers. He may be allowed exercise in the open air on the recommendation of the Medical Officer during stated hours and under proper precautions. During the period which intervenes between the condemned prisoner's being sentenced to death and his execution, he may be allowed all reasonable indulgences in the shape of books, tobacco, sweet-meats or extra diet. Diet of the condemned prisoner.

Visit to
condemned
prisoner by
his relatives.

1099. A prisoner condemned to death may be visited by his relatives, friends and legal advisers, at his own request, on an order in writing from the Superintendent of the Jail. All visitors shall in such cases be conducted to the prisoner's cell by the Jailer, or Assistant Jailer, who shall be present during the interview and see that nothing is passed to the prisoner. No other person shall have access to such prisoner except the Superintendent of the Jail, the Medical Officer, the Jailer, prisoners who have to bring food and attend to conservancy, and, if the prisoner requires it, a priest or minister of the religion to which he belongs.

Postponement
of the
execution of
sentence on
medical
grounds.

1100. If the Medical Officer of the Jail is of opinion, which shall be recorded in writing, that a prisoner sentenced to death is physically unfit to receive the punishment on the date fixed, on account of an illness which is both serious and acute (not chronic), the execution shall be stayed, pending receipt of orders of Provincial Government. The Superintendent of the Jail shall submit at once to the Judicial Secretary to the Government of the Central Provinces and Berar a full report of the case, containing the medical opinion regarding the degree of physical disability of the prisoner, and the probable date, if any, on which the prisoner is likely to become physically fit for execution.

Govt. of
India letter
No. F-93-34-
Jails, d.
18-7-34.

Delay in
capital
sentence.

1101. Should any extraordinary or unavoidable delay occur in carrying a capital sentence into execution from any cause other than the submission of an appeal under Chapter XXI, Section I, the Superintendent of the Jail shall immediately report the circumstance to the Sessions Judge, returning the original warrant either for the issue of a fresh warrant, or for the endorsement upon the same warrant of an order containing a definite date for carrying the postponed sentence into effect.

Pregnant
female
prisoner
under
sentence
of death.

1102. When a female prisoner sentenced to death is certified by the Medical Officer to be pregnant, the fact shall invariably be noted on the warrant, which shall be returned by the Superintendent of the Jail to the Sessions Judge for endorsement thereon of an order for the suspension of execution until the orders of the High Court have been taken under section 382, Criminal Procedure Code.

Sec para.
343.

Do.

1103. When a female prisoner sentenced to death declares herself to be pregnant, and the Medical Officer is unable to certify to the truth or otherwise of the statement, he shall state the fact in writing, and also the interval of time necessary to enable him to satisfy himself on the point, and the statement shall be attached to the warrant and forwarded therewith to the Sessions Judge for the procedure specified in the last preceding rule.

Execution
of sentence
when
suspended.

1104. When execution of a capital sentence on a female convict has been suspended under either of the last two preceding rules, it shall not afterwards be carried into execution without the express orders of Government, for which the Superintendent shall apply through the Inspector-General.

1105. When the evidence of a convict under sentence of death is required, the Magistrate shall proceed to the jail for the purpose, and shall not require the convict's attendance under the Prisoners' Act III of 1900.

Evidence of a convict under sentence of death.

1106. Unless otherwise specially directed in the warrant the execution shall take place at the headquarters of the district in which the prisoner is kept in confinement after the sentence of death has been passed upon him. The Superintendent of the Jail shall, on receiving a warrant of capital punishment, at once communicate the fact to the Magistrate of the district, but if he is the Superintendent of a Central Jail, or a Civil Surgeon or Civil Medical Officer, he shall be solely responsible for the proper execution of the sentence and shall make timely arrangements to engage the services of hangmen, to have the gibbet in order and to have ready the rope, cap, and straps for pinioning. A Europe-made manilla rope one inch in diameter shall always be used for executions, and two such ropes should be available. The ropes need not be new, provided they stand the necessary test which shall be effected by attaching to the end of the rope a weight (a sack of sand or earth is preferable) equal to one and-a-half times the weight of the prisoner to be executed, and dropping this weight from the gallows the distance of the drop to be given to the prisoner. The test should be made at least a week before the date fixed for the execution, in order that if the ropes fail, new ones may be obtained in proper time. Any new rope ordered for the occasion should be tested on receipt. After being tested, the ropes should be locked up in a safe place. On the evening before the execution, the Superintendent shall have the gallows erected in his presence, and shall carefully examine the ropes to ascertain that they have received no injury since tested.

Execution of the condemned prisoner.

1107. The Superintendent of the Jail shall be present at every execution, and likewise the Magistrate of the district or an officer of magisterial rank deputed by him. If the Magistrate so deputed is in temporary charge of the jail, and he is a Magistrate of the first class, it is not necessary that another Magistrate should also attend. If the Superintendent for the time being is not a Medical Officer, a Medical Officer (who shall not be lower in rank than an Assistant Surgeon) must be present at the execution.

Presence of certain officers at the time of execution.

1108. All executions shall take place within the jail walls in the early morning. The prisoners in the jail shall not be made to attend, and shall be kept locked up in their sleeping wards until the execution has taken place.

Execution to take place within the jail walls.

1109. Respectable male adult spectators and adult male relatives of the prisoner, up to a maximum of twelve, shall be admitted with the permission of the Superintendent, to witness an execution. It shall rest with the Superintendent to refuse admission altogether or to particular individuals in cases where the circumstances justify such a course. The names and addresses of these spectators shall be recorded in the gate register, so that they may afterwards, if occasion requires it, be called as witnesses.

Admittance of relatives during execution.

The spectators must be kept at a distance, and reserve guard should be drawn up close at hand, ready prepared to suppress any disturbance or frustrate any attempt at rescue.

Scale of drop.

1110. The following scale of drop, proportioned to the weight of the prisoner, is given for general guidance, but the Superintendent must use his discretion according to the physical condition of the prisoner, and should consult the Medical Officer on the subject, if he be not the Medical Officer :—

For a prisoner weighing under	98 lb.	..	6½ feet.
Do.	do.	126 „	.. 6 „
Do.	do.	154 „	.. 5½ „
Do.	weighing 154 lb. and over	..	5 „

Identification of a condemned prisoner before execution.

1111. Before the condemned prisoner leaves his cell the Superintendent shall read the warrant aloud in English, and the Jailer or other official shall read a translation of it in the language known to the prisoner. The Superintendent and Jailer shall then identify the prisoner as the individual named in the warrant and then lead him to the scaffold.

Removal of the dead body.

1112. (i) The body shall hang for half an hour and shall not be taken down till the Medical Officer declares life to be extinct; the warrant of execution shall be returned to the Judge who issued it with an endorsement by the Superintendent to the effect that the sentence has been carried out. The body of any prisoner dying or executed in the jail shall be made over to the friends or relatives of the deceased, if claimed by them, but if there are grounds for supposing that the taking of the dead body out of the jail is likely to involve a disturbance of the public peace or a danger to public health, in the case of death from infectious disease, due notice shall be given to the District Magistrate who may, in such circumstances, make an order under section 144, Criminal Procedure Code, upon the persons to whom the body is delivered, directing them not to take it outside the jail but to dispose of it within jail precincts. If the relatives as a consequence of these orders decline to receive the body the jail authorities shall arrange for its burial or cremation as in the case of bodies not claimed by relatives or friends.

(ii) The bodies of any prisoners dying or executed in prison and not made over to friends or relatives under the preceding clause shall be either burnt or buried in the prison burial ground in the manner most consonant with the customs of the tribe or caste of the criminal.

(iii) There shall, as far as possible, be a burial ground attached to every prison distinctly marked off or enclosed and used only for the burial of prisoners.

Insane condemned prisoner.

1113. When a prisoner under sentence of death develops insanity after conviction and sentence, the sentence shall be stayed and the case at once reported to the Deputy Commissioner.

Execution charges.

1114. All charges incurred in connection with an execution shall be paid by the Jail Department.

SECTION XI.—LEPERS

1115. When any prisoner is found to be suffering from leprosy, the Medical Officer shall record the fact on his history-ticket and shall direct his segregation from all other prisoners who are healthy.

Medical officer to record on history-tickets if prisoner is a leper.

1116. All male leper convicts from the Central Provinces and Berar jails shall be transferred to the Akola District Jail; except that those with sentences of 3 months and below shall be retained at the place of conviction and segregated in the jail hospital or in a cell.

Transfer of lepers to jails having leper wards.

Female leper convicts with sentence of 6 months and over shall be transferred to the Raipur District Jail. Those with sentences of under 6 months shall be segregated in the female wards of jails where they have been committed.

1117. Before transfers are effected enquiry should invariably be made as to whether leper accommodation exists. If accommodation is not available, the case must be specially reported to the Inspector-General for orders, submitting at the same time the prisoner's descriptive roll.

Accommodation for lepers.

1118. Any under-trial prisoners suffering from leprosy or leper convict whose transfer to any of the above-mentioned jails is necessary, or leper convict received for release, shall, pending transfer or release, be confined in a cell or such structure as shall be provided for the purpose, but care shall be taken that such confinement is not solitary. The prisoner shall see and may converse with other prisoners, but shall be kept separate. Cells which have been occupied by lepers shall be thoroughly disinfected, the walls scraped and lime-washed and the floor, if of earth, renewed, before it is used for any other purpose. Clothing and bedding that has been used by a leper should never be re-issued but burnt. When however a leper prisoner is transferred, he should retain the jail clothing and bedding which he received on first admission, the necessary I. D. R. receipts being prepared and accepted by the jails concerned. The case of any civil prisoner admitted with leprosy shall at once be reported to the Inspector-General with the view of obtaining the orders of Government for his release (see paragraph 177). He shall meanwhile be segregated from all other prisoners.

Segregation of leper prisoners.

SECTION XII.—JAIL GARDENS AND AGRICULTURE

1119. The Jailer shall be responsible under the orders of the Superintendent that the garden contains at all seasons a sufficient quantity of good succulent vegetables, condiments and antiscorbutics for jail use, and that the whole of the jail land outside the jail walls available for cultivation is cultivated to the best advantage. A garden of sufficient size to supply all vegetables and condiments required should be laid out and surrounded by a hedge and ditch, and no warders or other subordinate officers should be permitted to go into the garden except when on

Jail garden.

See para. 616 (10).

duty there. Another plot of land should be set apart for a lime orchard, which should contain one full-bearing lime bush for every prisoner the jail can contain. Both the vegetable garden and lime orchard should be situated near the source of a good supply of water. After the garden and orchard have been provided for, any spare land that may be available shall be utilized for raising crops suitable for the prisoners' food.

Supervision
of jail
garden.

1120. The Superintendent and Medical Officer shall visit and supervise the jail garden, and see that adequate arrangements are made in due season for the plentiful supply throughout the year of fresh vegetables, condiments and antiscorbutic fruits. The Medical Officer may recommend weak or convalescent prisoners for work in the garden. See para. 307.

Planting of
trees.

1121. In addition to the lime orchard a good supply of anti-scorbutic fruits should be provided for by planting tamarind (*Tamarinds indica*), bael (*Egle marmelos*), amrah (*Spondias mangifera*) and mango (*Mangifera indica*) trees along the margins of roads, the boundaries of the jail land and in other available places, so as not to interfere with cultivation more than can be avoided. Such trees give agreeable shade if grown within the jail walls in spaces available, but must not be allowed to interfere with the ventilation of the wards or workshops. There shall be at least one tamarind tree to 50 prisoners and one bael tree to 30 prisoners of the maximum capacity of the jail. Roselle (*Hibiscus sabdriffa*) should also be cultivated. The Jailer shall be held responsible for the number of these trees and for seeing that they are kept in a healthy condition.

Purchase of
vegetable
seeds.

1122. Indian vegetable seeds suitable for cultivation in the hot weather and monsoons should be purchased locally, and supplies of English seed for cold-weather crops should be obtained. The jail garden is primarily intended to grow vegetables for prisoners, and therefore only such seeds should be obtained as are most useful for jail purposes. In the proper season crops of potatoes, mangel-wurzel, onions, radish, turnip, sweet-potato, kutchu, ramon or china cabbage, and such as will be available for use in the hot weather or can be stored for issue in the rainy season should be grown to the fullest extent of probable requirements. Radishes should be available for issue to prisoners early in August.

Manuring
of garden.

1123. The jail garden shall be kept neat and clean, free from weeds and undergrowth. Night-soil and cowdung from the dairy shall be used in the gardens as manure. In the rainy season succulent weeds should be dug into the soil, but fibrous and woody vegetable refuse should be put into manure pits as far as possible from the jail and allowed to rot until they are in a condition suitable for manuring the land. For instructions regarding trenching, see paragraph 213.

Water-
supply in
gardens.

1124. Care shall be taken that all available sources of water-supply in gardens are utilized as far as possible. Irrigation channels should be of pucca masonry or burnt earthenware in mortar, and leakages should be promptly repaired.

1125. Jailers shall be responsible that crops grown on jail land are reaped at the proper time; that no unnecessary delay occurs between reaping them and bringing them into store; that proper precautions are taken against speculation or loss by vermin; that the bye-products are properly disposed of for Government purposes only; and that the value of everything is duly accounted for in the jail accounts. Every opportunity must be taken of effecting economy by utilizing every product of the jail land, and all products suitable for fodder must be appropriated for consumption in the dairy. An annual statement shall be submitted to the Inspector-General of the value of vegetables and other products of the jail land and farms used to supplement supplies purchased for the maintenance of the jail.

Reaping of crops and value of vegetables.

1126. The number of prisoners employed in the garden for the production of jail vegetables, condiments and anti-scorbutics ought not ordinarily to exceed 10 per cent of the strength of the prisoners confined in the jail. Prisoners employed in the garden shall be selected in accordance with paragraphs 684 and 685 and special care must be taken in guarding them as directed in paragraphs 985-988. The warder in charge of the garden should be a man who thoroughly understands gardening and, if possible, he should be exempted from night duty. When this is the case he shall have charge of the garden gang for the whole day, and sleep in the garden at night in a hut provided for him.

Employment of prisoners in garden.

C. P. Govt.
Jail Dept.
letter No.
196-534-V-
(a), d.
12-4-28.

NOTE.—The following monthly allowance, classed as special pay, is sanctioned for the head warders and warders in charge of the gardens of the following jails :—

	Rs.
Jubbulpore, Nagpur, Raipur and the B. I., Narsinghpur	.. 3
All other District and Subsidiary jails	.. 2

This allowance is subject to good work and the Superintendent is authorized to withhold it for any month during which the garden work of the head warder or warder was unsatisfactory.

1127. Corresponding to the kharif and rabi of the cereals, there are two great crops of vegetables during the year—the one the rain, the other the spring crop. These are ample for the time they last; but as the majority of vegetables cannot be easily preserved, these crops must be largely supplemented by sowings in the intermediate months, for it must be remembered that half a maund at least of vegetables is daily required for every 120 prisoners. A short list is here given of the principal vegetables likely to be useful. As the Hindustani names of several of these have been found to differ in various districts, the botanical ones are also introduced :—

Vegetable crops.

ENGLISH VEGETABLES			List of vegetables sown.
Cabbage.	Knolkhol.	Radishes.	
Carro's.	Onions.	Sugar-beet.	
Cauliflower.	Potatoes.	Turnips.	
	Vegetable-marrow.		

1128. Onions and radishes are especially commended; the former should be cropped at the end of the hot weather for issue during the rains—

Khira (*Cucumis sativus*), indigenous cucumber.
 Kakri (*Cucumis utilisissimus*).
 Karaila (*Mamordia charantia*).
 Toroi (*Luffa acutangula*).
 Lauki gol (*Benicasa cerifera*).
 Lauki lambi (*Lagenaria vulgaris*).
 Bhendi (*Albemoschus esculentus*).
 Chaulai (*Amaranthus polygamus*), white sag.
 Mursa (*Amaranthus cangeticus*), red sag.
 Kulfa or Khurfa (*Portulaca oleracea*), purslain.
 Brinjal or baingan (*Solanum melodgena*).
 Gwiah (*Colocasia antiquorum*).
 Kouhra (*Cucurbita maxima*), a large red gourd.
 Mirch (*Capsicum*), chillies.
 Muli (*Raphanus sativus*), country radish.
 Ratalu (*Dioscoria indica*), yams.
 Fea sem
 Chapta sem
 Hirna sem
 Chaula sem
 Salgum (*Brassica rapa*), indigenous turnips.
 Gajar (*Daucus carota*), indigenous carrots.
 Palak (*Spianacia oleracea*).
 Sukerkund (*Batatas edulis*), sweet potatoes.
 Belati-baigan (*Solanumily copersicum*), tomatoes.
 Sirson (*Sinapis alba*), mustard.
 Methi (*Trigonalla fenumgræcum*), fenugreek.

1129. Superintendents are warned against permitting their Jailers to sow for the use of the prisoners *chachinga* or *chachera* (*Tricosanthes anguinia*); it is unwholesome, and it is unfortunately most luxuriant at the time of the year when there is most difficulty in supplying other vegetables. This difficulty can always be met by previous arrangement; and the Jailer is to be held personally responsible that sufficient vegetables are grown without having recourse to a plant that is only fit for cattle. Pumpkins, cucumbers, gourds and other vegetables of the same botanical order should not be grown extensively.

1130. Vegetables from the jail gardens shall be allowed daily free of charge to Superintendents and Deputy Superintendents (except when land is allowed to them for private garden), Jailers, Assistant Jailers and Matrons and Medical Subordinates sufficient for the requirements of each household, provided that the requirements of the jail shall have been in the first place fully supplied. Such issues will cease if any vegetables have

to be *purchased* for the jail. The allowance of vegetables for each officer shall be inspected by the Superintendent daily on his arrival at the jail. If there are vegetables or fruit to spare they may be given to head warders and warders to the extent of their personal needs. If after the prisoners and jail establishment have been supplied there is a surplus of vegetables, they may be sold to outsiders. All sums realized from the sale of vegetables shall be paid into the treasury and be deducted from the cost of jail maintenance in the annual accounts.

SECTION XIII.—MEDICAL ADMINISTRATION

A.—GENERAL PRECAUTIONS

1131. The medical administration is one of the most important of the matters affecting jail management. The Medical Officer shall give his careful attention not only to the treatment of the sick, but to every matter connected with the hygiene of the jail, and nothing will count more to the credit of the Medical Officers of jails than success in keeping down the death-rate in the jails under their care. Medical administration.

1132. Whenever the death-rate in any jail exceeds 60 *per mille* with more than three deaths in any year, and the excessive mortality is not due to deteriorated health before admission or to accidental or violent deaths, the Inspector-General shall specially report the circumstance to Government in consultation with the Inspector-General of Civil Hospitals, with a view to the formation of a committee to enquire into the causes of the excessive mortality when such a step is considered advisable. Excessive mortality.

See para.
976.

1133. All prisoners on admission shall be examined by the Medical Officer and the condition of the prisoners will be entered in a register in which there will be the following headings:—
(1) Admission Register number; (2) Name; (3) Age; (4) Height; (5) Physical equivalent; (6) Weight; (7) Fit for what class of labour; (8) Condition of gums—(a) healthy, (b) spongy, (c) blue; (9) Protection against smallpox—(a) had smallpox, (b) vaccinated, (c) unprotected; (10) Initials of Medical Officer. Medical examination of prisoners on admission.

1134. Prisoners admitted from unhealthy districts are pre-disposed to ailments which run a rapid and fatal course. They shall, therefore, be kept under special medical observation for a certain time after admission. Prisoners from unhealthy district.

CLASS OF LABOUR

See para.
674

1135. In order to determine for what class of labour prisoner is fit, it will be necessary to take into consideration (a) Presence of disease; (b) Age; (c) Weight and physical equivalent; (d) Physical condition. If the prisoner is suffering from fever or from any organic disease, the Medical Officer will have to consider whether the disease is of such severity as to render the prisoner incapable of doing any kind of labour. Men over 55 years of age and boys under 18 would, as a rule, be unfit for first class labour. Class of labour.

Average
weight or
physical
equivalent.

1136. It has been found from the weighment of over 5,000 men, that the average weight in these provinces of a man 5 feet in height is 97 lb., and that for every additional inch of height the weight increases by about 3 lb. This average weight is called the Physical equivalent. A man of ordinary build who is not up to this physical equivalent, is not, as a rule, in good health—it may be from want of sufficient good food, or because he is suffering from some disease which may pass undetected in an ordinary medical examination.

VACCINATION

Vaccination.

1137. (1) The vaccination of prisoners after admission to jail shall be entirely at the discretion of the Medical Officer in charge of the jail, who may dispense with vaccination or re-vaccination in any case in which he considers it undesirable or unnecessary. Vaccination would ordinarily be unnecessary in the case of prisoners who—

- (a) are "protected" against smallpox, in the sense either of showing unmistakable signs of having suffered from the disease or of bearing clear and well defined marks of previous vaccination, or
- (b) whether "protected" or not, are to undergo sentences which will detain them in jail for a period not exceeding one month.

(2) A record of the result of all vaccinations shall be kept in the register provided for the purpose. The lymph used for vaccination shall be obtained from a calf, if possible.

WEIGHMENT

Weighment
of prisoners.

1138. Every prisoner in the jail shall be weighed once a fortnight and his weight shall be entered in the space provided in the history-ticket for that purpose. The Medical Subordinate shall carry out this duty and in the Central Jails the octagon officer shall assist him. When a prisoner is put in fetters the weight of the fetters shall be entered on his history-ticket, and at each weighment allowance will be made for the weight of the fetters. Prisoners shall be weighed only in their shorts and all other clothing shall be discarded at the time of weighment.

Abstract
statement
of weight.

1139. After each weighment an abstract statement shall be prepared showing—

- (a) The number who gained weight, and the total number of pounds gained.
- (b) The number who lost weight, and the total number of pounds lost.
- (c) The number who remained stationary.

Loss of
weight.

1140. All prisoners who have lost more than two pounds shall be specially paraded for the Medical Officer. If a man who is well above his physical equivalent has been employed on very

hard work, such as the oil-mill, he may be losing weight while at the same time he is getting into better condition. Loss of weight by a man whose weight is under or not much above his physical equivalent may indicate the commencement of some disease, and when the loss is continuous from one week to another such cases should be put in the infirm gang for special observation.

1141. Habitual prisoners who know that an increase of weight may be the cause of their being put on a harder form of labour, will sometimes starve themselves for a day or two before the time of weighment, and occasionally an extra weighment at a time when the prisoners are not expecting it should therefore be made. An excellent check in cases of this kind is to make such prisoners eat their food separately in the octagon before the octagon officer or the Assistant Medical Officer.

Food to
habitual
prisoners
increasing
in weight.

INFIRM GANG

1142. In every jail there shall be an infirm gang in which the following classes of prisoners will be placed for special treatment :—

Infirm
gang.

- (a) *Permanent infirms.*—Those who are permanently infirm owing to age or organic disease. The test for infirmity will be a dry, shrivelled skin, loss of teeth from receding gums, failing sight, etc.
- (b) *Convalescents.*—Those who have been in hospital and are convalescent.
- (c) *Organic disease.*—Those who are suffering from a disease such as enlarged spleen; but who are not so ill as to be unfit for light labour. (See paragraph 1136.)
- (d) *Losing weight.*—Those who are losing weight without apparent cause after the precautions mentioned in paragraph 1141 have been taken.

See para.
1138.

1143. These will receive diet according to a special scale; they will not mix with other gangs, they shall be weighed every week, and their weights be recorded in a special book kept for the purpose. They shall be seen daily by the Medical Subordinate. Aged and feeble prisoners should receive $\frac{1}{2}$ chhatak of oil, occasionally to be rubbed into the skin.

Diet to
infirm
prisoners.

1144. The men of the infirm gang shall be employed on light labour suitable to their condition and if necessary under cover. They shall be allowed a midday rest throughout the year. Meat, fish, milk or *dahi*, potatoes, or extra vegetables may be given to the infirm gang either as extras or in lieu of an equivalent quantity of the ordinary ration. They shall be frequently inspected by the Medical Officer who shall take care that they are not detained in the infirm gang longer than is necessary to make them fit for labour.

Light labour
to infirm
prisoners
and their
diet.

SPECIAL GANGS

Special
gangs.

1145. At the fortnightly parades, men who are showing signs of commencing scurvy should be picked out, and if the Medical Officer considers it advisable, 2 chhataks of meat in lieu of *dal* may be issued to them, extra vegetables or pickles. Such men need not be put in the hospital or infirm gang and may continue doing their ordinary task, but at food parades they shall sit apart from the others and a special watch shall be kept to see that they take the extra ration which has been ordered. If cases of scurvy are treated at the very beginning it will seldom be necessary to put them in the infirm gang or in hospital.

Prisoners
suffering
from
ringworm

1146. Ringworm, after being apparently cured, is liable to recur again and again, especially in the rains. A list of the names of those who have at any time suffered from this disease shall be kept so that they may be frequently examined and its reappearance detected early.

Prisoners
suffering
from
enlargement
of spleen.

1147. Prisoners who have their spleens much enlarged may be put in hospital or in the infirm gang; but there will probably be a large number who have slight enlargement and who would receive benefit from treatment but who are fit to do hard labour. A list of such cases shall be kept so that the Medical Subordinate can readily have them paraded for the issue of the necessary medicines—the application of the red iodide of mercury ointment externally and the sulphates of iron, magnesia and quinine with sulphuric acid and a carminative internally.

Prisoners
suffering
from
syphilis.

1148. There may be many suffering from syphilis and who, though well able to do their work, may derive great benefit from treatment. It will be found useful to keep a list of such prisoners also, so that they may be paraded from time to time for inspection by the Medical Officer.

PROPHYLACTICS

Use of pro-
phylactics
in malaria
fever.

1149. Prophylactics may be issued when malarious fevers are prevalent, and at the times of year when they are to be feared.

CLOTHING

1150. The scale of clothing which is sanctioned is laid down in Chapter X, Section III, but the Medical Officer will sometimes be asked as to what time the prisoners should discard their blanket clothing. Three things are to be taken into consideration—(a) the temperature; (b) the nature of the work at which the prisoners are employed; (c) the condition of health. A man who is employed on the oil-mill or similar hard work will not require a blanket coat while he is at work, whereas a man working at book-binding may require his blanket coat till 9 or 10 o'clock. It is difficult, therefore, to lay down a hard-and-fast rule. When prisoners are out in the open while rain is falling they should not wear their blanket coat as the wet coats are liable to cause chills after the men return to their barracks.

EXERCISE

1151. For prisoners who work in outside gangs, as in the garden, no special arrangements are required to ensure that they get sufficient exercise; but in the case of men who are employed on "sitting work" in the workshops, regular exercise is essential. The best time for this is in the early morning, when the latrine parade is going on. Those who are waiting for their turn, or have been to the latrine, shall march round their barrack until the parade is finished. If men are allowed to sit on parade for half an hour in the cold winter mornings, and without their blankets, they are liable to get chill.

SICK REPORTS

See paras. 993 and 714. 1152. It is the duty of every jail official to bring to the notice of the Medical Officer or the medical subordinate any circumstances from which it may be inferred that a prisoner is not in good health. If a prisoner be observed to visit the latrine oftener than usual, he shall be removed to a segregation ward for observation. Prisoners should be encouraged to "report sick" early, so that the necessary treatment may be adopted as soon as possible. If a prisoner reports sick at night a bell-signal will be given in order that the Medical Subordinate or the Medical Officer may be called.

1153. All prisoners reporting sick shall be brought before the Medical Officer or medical subordinate for examination. The prisoner may be kept under observation without admission, but not for longer than one day, or he may be treated as an out-door patient, or he may be admitted to hospital.

See para. 330.

1154. Intimation of the serious illness or death of every prisoner shall be given to the District Magistrate of the district to which he belongs for the purpose of having the information conveyed to his friends or relatives. This intimation should contain such information as the jail officials may be able to ascertain in order that the prisoner's relatives may be traced.

B.—HOSPITAL MANAGEMENT

1155. No prisoner may be detained in hospital more than 24 hours under medical observation without being brought on the hospital registers; if it is necessary to detain him for a longer period he must be admitted to hospital. An iron cot shall be provided for every patient. Each cot shall be covered with a "tat bed" or mattress, and each patient shall be provided with a pillow, two bed sheets and as many blankets as the Medical Officer may consider necessary.

1156. Over every occupied bed in hospital shall be placed a ticket wherein shall be recorded the medical history and progress of the case, and in cases of fever lasting for more than a few days a temperature chart shall be prepared.

Diet of sick prisoners.

1157. The diet of prisoners in hospital is entirely under the control of the Medical Officer; he may order in each individual case such diet as he considers necessary, and may fix the hours at which the food shall be distributed. As a rule, all sick prisoners shall receive four meals a day. See para. 341.

Arrangement for sago, etc.

1158. Utensils, of suitable size and capacity, shall be provided, and arrangements should be made for having sago or other invalid food ready at times when it may be required. In large jails there shall be a separate cook-shed in the hospital enclosure for the preparation of food for the sick, and a special convict-cook or cooks shall be appointed.

Medicines frequently required.

1159. It will be found convenient to keep in "stock bottles" those medicines which are frequently used as diaphoretic, cough mixture, etc. The stock medicines in common use have been printed and a copy of these shall be hung up in the hospital compounding room.

Light work to sick prisoners.

1160. As a certain amount of physical exertion is an important factor in the maintenance and improvement of health in many cases, and helps to keep the mind occupied, prisoners who are not too ill should be provided with some light work without any definite task being exacted, such as spinning thread or the like. The Medical Officer should record an order in writing in such cases.

INFECTIOUS DISEASES AND CHOLERA EPIDEMICS—PREVENTION OF INFECTION

Destruction of germs of infectious diseases.

1161. The germs which cause cholera, enteric fever and some forms of dysentery are found in the stools. Those of tubercle and enteric fever may be found in the urine. Those of plague and tubercle may be found in the sputum. It is important, therefore, to destroy all such dejecta in order to prevent the spread of such diseases, and the best way of destroying them is by fire in an incinerator, or if articles of clothing have been infected, in a boiler. See para. 340.

Prisoners suffering from infectious diseases.

1162. The Medical Officer should be constantly on the alert for the early detection of infectious or contagious diseases; early isolation or segregation of such cases is of the greatest importance, and when this step is decided upon he should give orders in writing to the Jailer on the subject, and to the Assistant Medical Officer for the cleansing and disinfection of any place where such disease has occurred, and for the destruction by fire or otherwise of all clothing, bedding, or utensils used by him. The patient may be removed— See para. 340

- (a) to one of the ordinary barracks from which the healthy prisoners have been temporarily removed;
- (b) to a permanent isolation ward;
- (c) to huts or grass *chuppers* in the inter-mural space;
- (d) into camp outside the jail.

1163. In determining which of these methods shall be adopted the nature and severity of the outbreak must be taken into consideration and also the number of prisoners who have been attacked. Outbreak of infectious diseases.

(a) Influenza will probably spread rapidly among a large number of prisoners before the disease is distinguished from a bronchial catarrh, and the segregation of those suffering from it in one of the ordinary barracks until fear of spread of infection has passed would be useful. The prisoners who are only slightly affected could be employed at their ordinary work.

(b) If there are one or two cases of smallpox or of enteric or relapsing fever or of dysentery, they might be treated in the permanent isolation ward; also measles, scarlatina, mumps, etc.

(c) Cases of apparent contagious dysentery and cases of cerebro-spinal meningitis might be treated in grass *chuppers* in the inter-mural space.

(d) Diseases like cholera and plague are likely to spread very rapidly and are also likely to prove fatal. Special precautions should therefore be taken when such diseases occur. It may be advisable not only to remove the patients so affected into camp, but also all those who have been in contact with them.

See paras.
289 and 344.

1164. Any case of grave infectious disease, *e.g.*, plague, cholera or smallpox, which occurs, shall be reported to the Inspector-General at once and to the neighbouring jails; and if other cases follow, a daily report of the progress of the disease, and of the measures taken to meet it, shall be sent to the Inspector-General and to the Director of Public Health. Report of grave infectious diseases.

Whenever two cases of cholera or any other epidemic disease occur, the one following closely after the other, thus indicating that they are not merely sporadic, a report of the outbreak and treatment of such cases shall at once be forwarded by the Superintendent of the Jail to the Inspector-General, who will make a special report to the Provincial Government, should he consider it necessary or desirable to do so.

1165. First, the prisoner who has been attacked shall be removed to the hut which will have been already prepared for his reception. Second, all the other prisoners who occupied the same ward shall be removed to another ward if there is a spare one, but shall not be allowed to mix with the prisoners who occupied another ward. They will be kept in isolation for about ten days and shall be carefully watched. On the occurrence of a second case, all the prisoners who were locked up in the same barrack or enclosure or who were known to have been in contact with any prisoner who had been attacked by the disease shall be removed into camp. Although it would very seldom be necessary to remove the prisoners into camp for any other diseases than plague or cholera, still it may be advisable to adopt the same course in the case of any severe epidemics as of cerebro-spinal meningitis, smallpox, dysentery, typhus, etc. Segregation of prisoners suffering from infectious diseases.

PRISONERS IN CAMP

Refuge
camp near
jail.

1166. Two suitable sites for refuge camps should be selected in the neighbourhood of each jail and arrangements should be made beforehand through the Deputy Commissioner to secure from the proprietors of the land the right to erect a temporary camp. Grass *chuppers* are less expensive than tents and can be burned when no longer required without any serious loss being incurred.

Materials
for huts or
chuppers

1167. At times when there is reason to fear an outbreak of any severe epidemic, a few *chuppers* and materials for the construction of others should be kept in readiness. The dimensions of the *chupper* in common use are given below :—

Dimensions of each side—

Length—20 feet,

Breadth—12 feet,

and the materials required are bamboos 70 : coarse twine and grass 500 to 1,000 *pulies* according to the size of the latter. At the position indicated in the diagram a strong bamboo should be fastened on each side of the *chupper* so as to facilitate its being carried from one place to another.

Plan of camp
for prisoners
suffering
from infecti-
ous diseases.

1168. The Medical Officer should draw out a rough plan of the camp, marking out the position for the hospital and attendants' huts, for the *chuppers* which the prisoners will occupy and for latrines. The *chuppers* are to be arranged in regular rows. Special attention will be given to the water-supply, the latrines, and the drainage of the camp. It is important to have the camp well lighted at night so that attention may be quickly given to any one who is suddenly taken ill. The camp hospital shall be situated at least 300 yards from the *chuppers* in which the healthy are living. Arrangements will be made for keeping separate (a) the cholera or plague patients, (b) the suspicious cases, and (c) the ordinary patients.

Burning of
huts or
chuppers.

1169. When a fresh case has occurred in the camp, the *chupper* in which it occurred shall be burned, and every likely source of infection should be dealt with by burning or other means of disinfection. If several cases occur the whole camp should be moved to another site.

CHAPTER XXV

TRANSFER OF PRISONERS

Rules under section 29 (1) of the Prisoners Act, 1900 (Act III of 1909), as amended by the repealing and amending Acts for the transfer of certain classes of prisoners from the prisons of one province to those of any other in British India

[NOTE.—These rules shall also apply to Berar.]

[G. I. H. D.
Res. No.
446-458,
d. Simla,
8-8-04.]

1170. As a general rule, members of criminal tribes and police registered criminals, not being natives of the province in which they are undergoing sentence, shall be removed at any time not exceeding two months prior to their release either to the prison of the district to which they belong or to the prison nearest their native place; provided that if a Provincial Government appoints any prison as the receiving depot* for prisoners removed from the Central Provinces, the prisoners shall be removed to such prison. The Inspector-General of Prisons is authorized under section 29 (1) of the Prisoners Act, 1900 (III of 1900), and the Government of India (Adaptation of Indian Laws) Order, 1937, to order the removal of such prisoner as required above and will pass a formal order sanctioning the transfer, and will at the same time give notice in each case to the Inspector-General of Prisons of the province to which the prisoner is removed.

Transfer of
prisoners
belonging
to other
provinces.

NOTE.—In view of the separation of Burma from India, prisoners from the jails in this province shall not be transferred to any jail in Burma.

1171. Any prisoner, whose detention in a prison of the province in which he is undergoing sentence is deemed inexpedient, may be removed with the previous consent of the Inspector-General of Prisons of the province to which it is proposed to remove him.

[Para. 4 of
the Instruc-
tions circu-
lated wi
G. I. H. D.
letter N.
5464, d.
17-2-09

1172. Any European military or ex-military prisoner, undergoing a sentence imposed by a civil court, whom it is intended to remove from India, may be removed by order of the Provincial Government of the province in which he has been undergoing sentence, at any time not less than three months before the end of the trooping season or before the expiry of the prisoner's sentence, as the case may be, to a prison at the port from which it is proposed that he should embark. When the sentence is less than three months the transfer should be made as soon as possible. When an ex-military convict is to be deported to the United Kingdom by a private vessel, he

*The undermentioned jails have been appointed as receiving depots for prisoners removed from the Central Provinces :—

Assam	..	.. Jails at Gauhati and Sylhet.
Bengal	..	.. Central Jail at Dacca.

should be transferred to Bombay a fortnight before he is due for release, intimation of the impending transfer should be sent to the Government of Bombay two months in advance.

NOTES.—(1) A request should, without delay, be made to the Provincial Government through the Inspector-General of Prisons, in the case of long-term prisoners five months before the end of the trooping season, or before the expiry of the prisoner's sentence, as the case may be; or in the case of shorter sentences as soon as it is ascertained that the prisoner is to be discharged from the Army.

(2) The instructions contained in rule 1172 above do not apply to a Reservist unless the offence for which he is undergoing imprisonment was committed when the Reserve was called out. There is, however, no objection to the procedure laid down in these instructions being followed in the case of a Reservist who voluntarily accepts deportation, even though he is not liable to be deported under these instructions against his will. [G. I. H. D. letter No. 107, d. Simla, 9-6-06.]

(3) On receipt of a military prisoner not enlisted in India who has been convicted by a civil court, the Superintendent shall ascertain without delay whether his discharge from the Army has been ordered. In every case in which a prisoner who has not been enlisted in India is to be so discharged, the Superintendent shall enquire of the prisoner when the prisoner's sentence is four months or under immediately on his admission to prison, and in other cases, not less than four months before the expiry of the sentence—whether he is willing or not to be removed from India to the United Kingdom or to a British possession and shall record his wishes in writing. In either case a report should be submitted to the Inspector-General's office in order that the orders of the Provincial Government may be obtained to the removal of the prisoner. [G. I. H. D. letter No. 305-530, d. Simla, 1-10-04.]

(4) Full personal description of ex-military convicts whom it is proposed to repatriate from India to the United Kingdom should be furnished, together with particulars of their passports in the cases of persons who are in possession of passports. This information is required by the Passport Officer, London, for the purpose of satisfactory identification of the individuals concerned. As cases have occurred of vagrants expelled from India returning thereto with passports issued by the India Office, the passports of British subject, deported to England as ex-military convicts will be impounded by the Provincial Government and returned to the India Office for transmission to the passport office for cancellation. The Provincial Government will, in lieu of the passports, issue emergency certificates valid for a single journey from India to the United Kingdom only. [C. P. Govt. Jail Dept. letter No. 273-292-V (a), d. 16-7-29.]

(5) Ex-military convicts should be photographed before they are sent to Bombay for embarkation and two copies of the photographs sent to the Government of Bombay, together with the nominal rolls. The expenditure involved in this connection should be debited to Army Estimates. [C. P. Govt. Jail Dept. memo. No. 331-382-V (a), d. 19-7-33.]

(6) The finger-prints of ex-military prisoners together with such details of conviction as are usually recorded on finger-print slips shall be sent along with the nominal rolls and photographs referred to in notes 4 and 5, in every case, in which, an ex-military prisoner is to be removed to the United Kingdom. To enable the Police Department to take finger-prints and to arrange for the collection of the prisoner's criminal records in time, the Superintendent of Jail shall inform the District Superintendent of Police concerned of the proposed removal of an ex-military prisoner to the United Kingdom at least one month before the prisoner's transfer to the port of embarkation. [C. P. Govt. Jail Dept. letter No. 382-439-V (a), d. 29-7-36.]

CHAPTER XXVI

ESCORT OF PRISONERS ATTENDING COURTS

Rules under section 51 of the Prisoners Act, III of 1900, for regulating the escort, etc., of prisoners to and from courts in which their attendance is required and for their custody during the period of such attendance

1173. With regard to prisoners ordered to appear in any court, the provisions of Part IX of the Prisoners Act (III of 1900) and the following rules* framed under section 51 of the Act shall be strictly observed:—

Escort of prisoners attending courts and the costs of such escorts.

- (a) When under the provisions of the Prisoners Act (III of 1900) an order has been issued by a competent Court for the production before it of any prisoner either to give evidence or to answer to a charge, the prisoner shall be forwarded to the Court in charge of a police guard who shall have him in safe custody during the journey to and from such Court.
- (b) All such prisoners shall be taken before the Court before which their presence is required, by the most expeditious route.
- (c) The cost of police guards shall be borne by the Police Department in criminal cases. In civil cases the pay and prescribed allowances of the guard and necessary charges incurred during the journey shall be paid by the Judge of the Court to the Superintendent of the prison concerned, who shall deposit the amount in the treasury through the District Superintendent of Police by whom the guard was supplied.
- (d) During the detention of such prisoners before the Court, they shall, when not actually attending the Court, be confined in the adjacent prison where, if convicts, they shall be treated as if undergoing a sentence of imprisonment in that prison. If there is no prison adjacent to the Court, such prisoners shall be confined in such place of security and under such guard as shall be ordered by the Court.
- (e) The Provincial Government has exempted from the application of the Prisoners Act all State prisoners confined by order of Government.

NOTE.—The Provincial Government has under section 52 of the same Act declared Superintendents of Jails and the Superintendent, Reformatory School, to be officers in charge of prisons within the meaning of Part IX of the Prisoners Act, III of 1900.

*C. P. Govt. Notfn. No. 4750, dated 4th June 1900, and (for Berar) C. P. Govt. Notfn. No. 3293, dated 18th March 1905.

PART III

**Rules made by the Inspector-General
under sections 31 and 56 of the
Prisons Act**

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CHAPTER XXVII

MAINTENANCE OF PRISONERS

Rules made by the Inspector-General under section 31 of the Prisons Act, subject to which a civil prisoner or an unconvicted criminal prisoner is permitted to maintain himself

SECTION I.—MAINTENANCE OF CIVIL PRISONERS

1174. Civil prisoners shall be allowed to use their own clothes, bedding and cooking utensils and to purchase or receive from private sources food, clothing and bedding or other necessities. If a civil prisoner is unable to provide himself with sufficient clothing, bedding or cooking utensils, or if his own are insufficient for his requirements, the Superintendent shall supply on hire such clothing, bedding or cooking utensils as may be necessary from the jail stores at a flat rate of one anna per day, the amount recovered being credited as factory receipts.

Private clothing and bedding of civil prisoners.

1175. Whenever clothing, bedding and cooking utensils are so supplied to a civil prisoner who has been committed to jail in execution of a decree in favour of a private person, the Superintendent shall submit to such person an account of the cost of hire of the clothing, bedding or cooking utensils with a demand in writing for payment of the cost of hire; and if payment is not made within 48 hours of receipt of this demand, the Superintendent shall release the civil prisoner in respect of whom the demand was made. The name and address of the judgment-creditor shall be ascertained from the civil court which issued the decree. The demand shall be despatched by registered letter to the address of the judgment-creditor and after sufficient time for delivery thereof has elapsed shall be deemed to have been duly received. On the day the demand is despatched the Jailer shall enter in the release diary under the date on which the period allowed for delivery of the demand *plus* 48 hours will expire, a note of the fact of the demand having been made. When this date arrives, if payment has not been made, the Jailer shall bring the civil prisoner before the Superintendent for release. Before releasing the prisoner, the Superintendent shall satisfy himself by examination of the receipt for the registered cover containing the demand and of the cash-book, and register No. 8 and by enquiry from the gate officers, firstly, that the demand was duly sent, and that sufficient time, as required by law, for delivery of the demand and for payment has been given; secondly, that payment has not been tendered or made.

Recovery of cost of clothing or bedding of civil prisoners.

1176. Civil prisoners may be supplied with food by their friends through the Jailer at such hours as the Superintendent shall fix, in which case the subsistence allowance deposited by the detaining creditor may be made over to such friends; but in other cases it shall be credited to the jail, and the Jailer shall supply the prisoners with good and wholesome food, according to their own choice, provided that the daily cost does not exceed the amount lodged by the detaining creditor. If it is

Food of civil prisoners.

preferred, the money may be given to the prisoner and arrangements made for allowing him to purchase the food which he requires from the jail contractor or from an approved shop-keeper. Civil prisoners of classes II and III supplied with food at Government expense under paragraph 1068 shall have their food cooked by convicts in the convicts cook-house and supplied by convict-cooks. Other civil prisoners shall cook their own food. If any extra articles of diet are ordered by the Medical Officer for civil prisoners on medical grounds any excess of cost beyond the daily diet-money shall be paid by Government.

Smoking and the use of drugs or liquor and examination of articles of supply.

1177. Civil prisoners may be allowed to smoke but not to use intoxicating drugs or liquors unless prescribed by the Medical Officer. Cigarettes, *bidis*, or tobacco when allowed shall not be purchased out of the subsistence allowance. All articles to be supplied to a civil prisoner shall be examined by the Jailer before delivery to the prisoner. Food shall also be examined by the Assistant Medical Officer and shall not be delivered if it contains any intoxicating drug or liquor or is unwholesome. The Superintendent shall refuse to allow the purchase or delivery of anything which he considers unnecessary or unsuitable.

Hiring or selling of food, clothing, bedding or other articles of civil prisoner.

1178. No part of any food, clothing, bedding or other articles belonging to or delivered to any civil prisoner shall be given, hired or sold to any other prisoner. Any civil prisoner transgressing this rule shall lose the privilege of purchasing or receiving food from private sources for such time as the Superintendent thinks proper and any civil prisoner committing an offence under section 49 of Act IX of 1894 shall be prosecuted before a Magistrate.

See section 32, Act IX of 1894.

Distribution of benefactions or donations or other articles to civil prisoners.

1179. Benefactions or donations of money or other articles except intoxicating drugs or liquors, may be distributed to civil prisoners according to the desire of the donor, if not contrary to these rules. Books or newspapers of an unobjectionable kind may be allowed at the option of the Superintendent who shall examine them before delivery to the prisoners. No visitor shall be allowed to take within the civil jail any sweetmeats or other articles of consumption without the permission of the Superintendent.

Civil prisoners to maintain themselves by working at their own trade.

1180. Civil prisoners shall be permitted to maintain themselves. They shall be allowed to work at their own trade or calling and receive the profits thereupon; but if jail implements be supplied to them, a reasonable deduction for the hire of the implements shall be made from the profits, and in the case of those maintained at Government expense, also a deduction for maintenance. A civil prisoner should be encouraged to work but shall not be compelled to work against his will; cleanliness of person and clothing shall however be enforced.

See section 34, Act IX 1894.

SECTION II.—MAINTENANCE OF UNDER-TRIAL PRISONERS

1181. Prisoners under trial shall be allowed to wear their own clothes and shoes and use their own bedding and to purchase or receive from private sources clothing, bedding, or other necessaries. They may be allowed to procure books and newspapers at their own expense from outside the jail, subject to such scrutiny and control as the Superintendent may consider necessary. They may also, at their own expense, be permitted the use of a reasonable quantity of cigarettes or tobacco under the strict condition that they do not give any away. They should be given any reasonable supply of stationery and writing materials at their own expense and be allowed to play any innocent games. If an under-trial prisoner is unable to provide himself with sufficient clothing and bedding, the Superintendent shall supply such clothing and bedding as is necessary. Under-trial prisoners shall also be permitted to purchase food at their own expense, or obtain it from private sources, but nothing deleterious to health and no drugs or intoxicating liquor shall be allowed.

Supply of food, etc., to under-trial prisoners.

1182. All purchases or supplies of food, clothing, bedding or other necessaries shall be made through the Jailer, subject to the Superintendent's sanction and shall be examined by the Jailer before delivery to an under-trial prisoner. Food supplied from private sources shall be examined by the Assistant Medical Officer who shall report to the Superintendent if it contains anything prohibited or deleterious to health. If any prohibited article is found concealed in any food or other thing supplied to an under-trial prisoner under the two preceding rules, such food or thing shall be forfeited to the Crown, and the privileges accorded in paragraph 1181 above shall be withdrawn. Paragraph 737 defining what are prohibited articles applies to under-trial prisoners, except such articles as are allowed by the preceding rule. The Superintendent may refuse to allow the purchase for, or delivery to, an under-trial prisoner of anything which he considers to be unnecessary or unsuitable.

Purchase of articles for under-trial prisoners.

1183. No part of any food, clothing, bedding or other articles belonging to, or delivered to, an under-trial prisoner shall be delivered, hired or sold to any other prisoner. Any under-trial prisoner transgressing this rule shall lose the privilege of purchasing food or receiving it from private sources for such time as the Superintendent thinks proper.

Articles belonging to an under-trial prisoner not to be hired or sold to any other prisoner.

1184. Under-trial prisoners shall be permitted to maintain themselves by working at their trade or calling in the under-trial ward, but the earnings of such as are furnished with implements and materials at the expense of the jail shall be subject to a deduction, to be determined by the Superintendent, for the use of implements and cost of materials.

Self-maintenance of under-trial prisoners.

CHAPTER XXVIII

IMPOSITION OF IRONS FOR SAFE CUSTODY

Rules made by the Inspector-General under section 56 of the Prisons Act, 1894, regarding imposition of irons for safe custody

CONFINEMENT IN IRONS

1185. In placing prisoners in irons in exercise of the powers conferred by section 56 of the Prisons Act, 1894, no irons of any kind other than one of the kinds prescribed in rules 116 and 117 of these rules, and, in the case of fetters, other than bar-fetters or link-fetters, shall be imposed on any prisoner.

Description
of irons
which may
be used.

1186. Subject to the provisions of paragraph 1187 below the imposition of fetters is prohibited in the following cases, namely:—

Prisoners
exempted
absolutely.

- (a) female prisoners;
- (b) civil prisoners;
- (c) convict-officers, and
- (d) convicts who by reason of age, physical infirmity or serious illness, are, in the opinion of the Medical Officer, unfit to be placed in fetters.

1187. Fetters shall not ordinarily and without special reasons, to be recorded by the Superintendent in his journal and to be reported to Inspector-General of Prisons, be imposed on any—

Prisoners
ordinarily
exempted.

- (a) convict, the unexpired period of whose term of imprisonment is less than six months;
- (b) convict who has undergone three-fourths of his substantive sentence of imprisonment;
- (c) unconvicted criminal prisoner; or
- (d) prisoner under sentence of death.

1188. Handcuffs, may, as a measure of restraint, be imposed on any prisoner, if the Superintendent is of opinion that their imposition is necessary for the protection of the prisoner himself or of any other person but every such imposition shall be reported to the Inspector-General.

Imposition
of hand cuffs
when
permissible.

1189. In every case in which any prisoner is placed in irons of any description, the fact that they have been imposed and the time of their imposition and removal, respectively, shall be noted, in the case of a civil prisoner, in the Superintendent's journal, and, in any other case, on the prisoner's history-ticket. Every case of imposition of irons shall be reported promptly to the Inspector-General.

Record of
cases in
which irons
are imposed.

1190. (a) Prisoners who have escaped from jail, or have attempted or conspired to escape, may be placed in fetters under section 56 of the Prisons Act, IX of 1894, with the sanction of the Inspector-General. Such prisoners shall be distinguished from all other prisoners by a red cap. Prisoners sentenced to

Fetters for
safe custody
of
prisoners.

imprisonment for seven years and upwards, whilst confined in a District Jail, may likewise be placed in fetters under the same law, with the sanction of the Inspector-General, pending transfer to a Central Jail.

NOTE.—The Raipur District Jail shall be considered as a Central Jail for the purpose of this rule.

C. P. Govt.,
Jail Dept.
Memo. No.
400-382-III,
d. 14-7-39.

(b) Superintendents shall order the removal of fetters imposed under these rules in any case as soon as they are of opinion that this can safely be done, and may allow the prisoner an ordinary cap, when by good behaviour he has shown himself to be deserving of consideration.

Fetters to be
examined
periodically.

1191. The fetters of prisoners fettered for safe custody under paragraphs 1190 (a) and 740 should be examined daily under the orders of the Superintendent and once a week by the Jailer, who should certify in his report book that he has complied with this rule on each occasion. Fetters and rivets for District and Subsidiary Jails should be obtained from the Central Jails to which affiliated. Care should be taken that the fetter-rings fit ankles, so that the feet cannot be withdrawn, and that the rivets fit the holes and have sufficient head on each side; also see that the rivet-heads are not rubbed off.

Fetters how
to be kept.

1192. Fetters of every description shall always be kept bright and polished, and soft leather, blanket or canvas gaiters shall be allowed to prevent abrasion of the skin. Link and bar-fetters may be suspended to the waist by a strip of leather, no string or rope being allowed for the purpose. When fetters become worn or thin in any part, they shall at once be changed. Prisoners shall not be put to work on the native oil mill whilst in fetters.

Lunatics not
to be fettered
unless absolutely
necessary.

1193. Fetters shall not be used on lunatics unless absolutely necessary.

CHAPTER XXIX

SMOKING AND CHEWING OF TOBACCO BY
CONVICTS IN JAILS

Rules made by the Inspector-General regulating the smoking
and chewing of tobacco by convicts in jail

[*Vide* exception (c) to rule 737 of the Central Provinces and
Berar Jail Manual.]

C.P. Govt., 1194. (1) A convict who has behaved well and has gratuity
Jail Dept., to his credit shall be eligible for the privilege of smoking *bidis* or
Memo. No. chewing tobacco, *vide* exception (c) to rule 737 of the Central
749-691-III, Provinces and Berar Jail Manual.
d. 8-12-39.

(2) The Superintendent of Jail shall ascertain from the convicts who have gratuity to their credit and who, in his opinion, have behaved well as to whether they are willing to avail themselves of the privilege. He shall maintain a list of convicts who have expressed their willingness to smoke or chew tobacco and shall arrange to purchase monthly the *bidis* and tobacco required for them.

(3) All "C" class convicts (smokers or chewers) shall, after each meal, be collected in convenient batches at a suitable and safe place for the purpose of smoking *bidis* or chewing tobacco, as the case may be. Each smoker shall ordinarily be given one *bidi* to smoke at a time and each chewer shall be provided with a reasonable quantity of tobacco to chew after each of the three jail meal parades in the morning, midday and evening. When the smoking is over, suitable precautions should be taken to see that no *bidis* or stumps are removed or concealed. The stumps shall be burnt in the presence of a responsible jail officer. The smoking or chewing shall be supervised by the octagon officer in central and district jails and by the head warder or gate-keeper in smaller district and subsidiary jails. The *bidis* and tobacco purchased for the convicts shall be kept in the custody of the Jailer and issued daily, according to requirements.

NOTE.—The privilege of smoking or chewing tobacco is contingent on good behaviour and any convict whose behaviour is subsequently found to be not good is liable to be removed from the list of convicts eligible for the privilege and the *bidis* or tobacco purchased on his account shall be confiscated.

(4) Any convict who conceals or attempts to conceal or parts with or attempts to part with all or any portion of tobacco or *bidi* given to him shall be removed permanently or for such a period as the Superintendent may direct from the list of convicts eligible for the concession.

(5) Notwithstanding anything contained in the foregoing rules, no convict who has, in his gratuity account, less than the necessary amount required for smoking or chewing for a period of at least one month shall be eligible for the privilege. Convicts in hospital or in transit shall not be allowed to smoke or chew tobacco.

(6) An account shall be maintained in each jail of the gratuity earned by convicts and the amount spent on their account towards smoking or chewing tobacco.

(7) "A" and "B" class prisoners may, at their own expense out of their private cash, be permitted the use of a reasonable quantity of cigarettes or tobacco under the strict condition that they do not give any away. Not more than five cigarettes or six *bidis* a day may ordinarily be permitted to them. They may be allowed to smoke in their own barracks or yards, but only at hours prescribed by the Superintendent.

PART IV

The C. P. and Berar Borstal Act, 1928

AND THE

Rules framed thereunder

CHAPTER XXX**CENTRAL PROVINCES ACT No. IX OF 1928
THE CENTRAL PROVINCES BORSTAL ACT, 1928**

[Published in the "*Central Provinces Gazette*," dated the 21st April 1928.]

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CENTRAL PROVINCES ACT No. IX OF 1928
THE CENTRAL PROVINCES BORSTAL ACT, 1928

[Published in the "*Central Provinces Gazette*," dated the 21st April 1928.]

An Act to make provision for the establishment and regulation of Borstal Institutions in the Central Provinces and for the detention and training of adolescent offenders therein.

WHEREAS it is expedient to make provision for the establishment and regulation of Borstal Institutions in the Central Provinces, and for the detention and training of adolescent offenders therein; and whereas the previous sanction of the Governor-General under sub-section (3) of section 80-A of the Government of India Act has been obtained to the passing of this Act;

Preamble.

[It is hereby enacted as follows.]†

1. (1) This Act may be called the Central Provinces Borstal Act, 1928.

(2) It extends to the whole of the Central Provinces.

(3) It shall come into force on such date* as the Provincial Government may, by notification, appoint in this behalf.

Short title,
extent and
commence-
ment.

2. In this Act, unless there is anything repugnant in the subject or context,—

Definitions.

(1) "Borstal Institution" means a place in which offenders may be detained under this Act and given such industrial training and other instruction and subjected to such disciplinary and moral influences as will conduce to their reformation;

(2) "detained" means detained in, and "detention" means detention in, a Borstal Institution;

(3) "inmate" means any person ordered to be detained;

(4) "offence" means—

(i) an offence punishable with transportation or rigorous imprisonment under the Indian Penal Code (XLV of 1860), other than—

(a) an offence punishable with death;

(b) an offence punishable under Chapter V-A, Chapter VI or section 153-A of the said Code;

(c) an offence committed in pursuance of political activities;

(ii) an offence punishable with imprisonment under the Public Gambling Act, 1867 (III of 1867);

(iii) an offence punishable with imprisonment under the Opium Act, 1878 (I of 1878);

*The Act came into force in Central Provinces on the 30th June 1930, see Jail Department Notification No. 237-523-V (a), dated the 2nd June 1930, at page 550 of Part I of the *Central Provinces Gazette*, dated the 7th June 1930.

(iv) an offence punishable with imprisonment under the Central Provinces Excise Act, 1915 (II of 1915);

*(v) an offence punishable with imprisonment under the Dangerous Drugs Act, 1930 (I of 1930);

(5) "officer" means an officer of a Borstal Institution appointed in such manner as may be prescribed:

(6) "prescribed" means prescribed by rules made by the Provincial Government under the provisions of this Act;

(7) "security for good behaviour" means security for good behaviour otherwise than for political activities under section 109 or section 110 of the Code of Criminal Procedure, 1898 (V of 1898);

(8) "Superintendent" means a Superintendent of a Borstal Institution appointed in such manner as may be prescribed.

Establishment of Borstal Institutions.

3. (1) For the purposes of this Act the Provincial Government may establish one or more Borstal Institutions.

(2) For every Borstal Institution the Provincial Government shall appoint a Superintendent, and such other officers as may be necessary.

(3) For every Borstal Institution a visiting committee shall be appointed in such manner as may be prescribed and shall consist of not less than five members of whom not less than three shall be Indians.

Borstal Institution open to inspection by members of Legislative Bodies.

4. A Borstal Institution shall be liable to inspection between such times as the Provincial Government may appoint by any member †[of the Legislative Assembly of the province or by any member of either Chamber of the Central Legislature chosen to represent the whole or any part of the province].

Powers of Court to pass a sentence of detention in a Borstal Institution in the case of a convict under twenty-one years of age in lieu of transportation or rigorous imprisonment.

5. (1) When any male person not less than sixteen or more than twenty-one years of age is convicted of an offence by a Court of Sessions, a magistrate specially empowered under section 30 of the Code of Criminal Procedure, 1898 (V of 1898), or a magistrate of the first class, and when by reason of his criminal habits or tendencies or association with persons of bad character it is expedient, in the opinion of the judge or magistrate, that he should be detained, such judge or magistrate may, in lieu of passing a sentence of transportation or imprisonment, pass an order of detention for a term which shall not be less than two years and shall not exceed five years when the order is passed by a Court of Sessions or a magistrate, specially empowered under section 30 of the Code of Criminal Procedure, 1898 (V of 1898), and shall not be less than two years nor exceed three years, when the order is passed by a magistrate of the first class not so empowered.

This clause was inserted by C. P. Act XI of 1937.

These words were substituted by the Adaptation Order.

(2) When any magistrate, not empowered to pass such order, is of opinion that an offender convicted by him is a person in respect of whom such order should be passed in accordance with the provisions of sub-section (1), he shall, without passing any sentence, record such opinion and submit his proceedings and forward the accused to the District Magistrate or Sub-Divisional Magistrate to whom he is subordinate.

(3) The District Magistrate or Sub-Divisional Magistrate to whom the proceedings are so submitted may make such further enquiry (if any) as he may deem fit and pass such order for the detention of the offender or such other sentence or order, as he might have passed if the trial had been held by him from its commencement.

6. (1) When any male person not less than sixteen or more than twenty-one years of age has been ordered to give security for good behaviour and fails to give such security and when by reason of his criminal habits or tendencies or association with persons of bad character it is expedient, in the opinion of the magistrate, that he should be detained, the magistrate may issue a warrant directing such person to be detained in prison pending the orders of the Sessions Judge; and the proceedings shall be laid as soon as possible before the Sessions Judge.

Detention in lieu of imprisonment for failing to give security.

(2) The Sessions Judge, after examining such proceedings and requiring from the magistrate any further information or evidence which he thinks necessary may pass an order of detention, for a term which shall not be less than two years and shall not exceed three years, or such other order as he thinks fit and as is according to law.

(3) If security has been required in the course of the same proceedings from two or more persons, in respect of any one of whom the proceedings are referred to the Sessions Judge under sub-section (1), such reference shall also include the case of any other such person, and the provisions of sub-sections (1) and (2) shall, in that event, apply to the case of such other person also.

7. (1) When any male person, not less than sixteen or more than twenty-one years of age, has been sentenced for an offence to rigorous imprisonment or transportation and when by reason of such person's criminal habits or tendencies or association with persons of bad character it is expedient, in the opinion of the District Magistrate, that he should be detained, the District Magistrate may order that such person shall, in lieu of undergoing imprisonment or transportation, be detained for a period of two years or, if the unexpired term of his sentence of transportation or imprisonment exceeds two years, for a period equal to the unexpired term :

Special power of District Magistrate.

Provided, however, that the period of detention shall in no case exceed five years.

(2) When any male person, not less than sixteen or more than twenty-one years of age having been ordered to give security for good behaviour and having failed to give such security, is imprisoned under sub-section (1) of section 123 of the Code of Criminal Procedure, 1898 (V of 1898), and when by reason of such person's criminal habits or tendencies or association with persons of bad character it is expedient, in the opinion of the District Magistrate, that he should be detained, the District Magistrate may order that the proceedings in his case shall be laid before the Sessions Judge and the provisions of sub-sections (2) and (3) of section 6 shall apply as if the proceedings had been referred under that section.

When action
may not be
taken under
section 7.

8. No order shall be made under the provisions of section 7—

(i) until the time allowed by law for the prisoner to appeal has expired or if an appeal has been preferred until such appeal has been finally decided; or

(ii) if an application, made on appeal or otherwise to have the sentence altered into an order of detention, has been rejected by an appellate court or the High Court; or

(iii) in the case of any person who has been sent to a reformatory school in accordance with the provisions of the Reformatory Schools Act, 1897 (VIII of 1897).

Application
of the Code
of Criminal
Procedure,
1898, and the
Indian
Limitation
Act, 1908,
and provi-
sions for
appeal and
revision.

9. (1) Subject to the provisions of sub-section (2) of this section, the provisions of the Code of Criminal Procedure, 1898 (V of 1898), relating to appeal, reference and revision, and articles 154 and 155 of the Indian Limitation Act, 1908 (IX of 1908), shall apply in the case of an order of detention passed under section 5 as if the order had been a sentence of imprisonment for the same period for which detention was ordered.

(2) Notwithstanding anything contained in section 423 of the Code of Criminal Procedure, 1898 (V of 1898), when a person who at the time of his conviction was less than twenty-one years of age has been convicted of an offence, or when such person on being ordered to furnish security for good behaviour has failed to furnish such security, an appellate court or the High Court, in the exercise of its powers of revision, may, in pursuance of sub-section (1) and the provisions of the Code of Criminal Procedure, 1898 (V of 1898), and after making such inquiry as may deem fit, alter a sentence of imprisonment or an order of commitment to prison under section 123 of the Code of Criminal Procedure, 1898 (V of 1898), to an order of detention, if for reasons described in sub-section (1) of section 5, it considers such alteration expedient, and may alter an order of detention to a sentence of imprisonment or an order of commitment to prison under section 123 of the Code of Criminal Procedure, 1898 (V of 1898), as the case may

Provided that the sentence of imprisonment, order of commitment, or order of detention, shall not be in excess of the powers of the trial magistrate or court.

(3) Any person, who has been ordered to be detained in a Borstal Institution under the provisions of section 7 for a period to expire after the term of imprisonment to which he was sentenced would expire had the order not been passed, may, subject to the provisions of sub-section (5), appeal to the Sessions Judge, and the Sessions Judge may either confirm the order or set it aside and restore the sentence of imprisonment or if the order is for more than two years reduce it to a term not shorter than two years nor shorter than the residue of imprisonment to which the offender was sentenced.

(4) Any person ordered by a Sessions Judge under the provisions of sub-section (3), to be detained for a period to expire after the term of imprisonment to which he was sentenced would expire, had such order not been passed, may, subject to the provisions of sub-section (5), appeal within thirty days of the order to the High Court and the High Court may pass any such order as the Sessions Judge might have passed.

(5) An appeal shall not lie under sub-section (3) or sub-section (4) against a conviction or any finding of fact but only on the ground that the order appealed against is illegal, or unduly severe.

10. No person, who has been previously detained for the whole period prescribed in an order of detention or who has been transferred to jail under section 19 of this Act, shall again be ordered to be detained.

No person who has been once detained to be detained again.

11. Any person detained for failure to furnish security shall be released on furnishing such security.

Release on furnishing security.

12. (1) Before passing an order of detention under this Act, the magistrate, District Magistrate or court, as the case may be, shall enquire or cause enquiry to be made into the question of the age of the offender and after taking such evidence (if any) as may be deemed necessary or proper shall record a finding thereon.

Enquiry to be made regarding the age of the offender before

(2) A similar enquiry shall be made and finding recorded by every magistrate not empowered to pass an order of detention under this Act before submitting his proceedings and forwarding the accused to the District Magistrate as required by sub-section (2) of section 5 of this Act.

passing an order of detention.

13. (1) When any magistrate, District Magistrate or court, orders an offender to be detained, he or it, as the case may be, shall record the grounds of his or its opinion that it is expedient that the offender be detained.

Magistrate to give grounds of his opinion before

(2) No order of detention shall be passed under sub-section (3) of section 5, section 6 or section 7 unless the person to be detained has had an opportunity either personally or by pleader of showing cause against such order being made.

ordering detention.

Power to
release on
licence.

14. Subject to any general or special directions of the Provincial Government, the visiting committee with the sanction of the Inspector-General of Prisons may at any time after the expiration of one year of detention in the case of an inmate ordered to be detained for not more than three years and, in any other case, of two years of detention, if satisfied that the inmate is likely to abstain from crime, and lead a useful and industrious life, by licence permit him to be discharged from the Borstal Institution on condition that he be placed under the supervision or authority of any person or secular institution or religious society (professing the same religion as the inmate) named in the licence who may be willing to take charge of him. A licence granted under this section shall be in force until the term for which the inmate was ordered to be detained has expired unless sooner suspended, revoked or forfeited.

Absence
under
licence to be
counted
towards
period of
detention.

15. The time during which an inmate is absent under licence from a Borstal Institution shall be reckoned as part of the period of detention.

Form of
licence.

16. Every licence granted under the provisions of section 14 shall be in such form and shall contain such conditions as the Provincial Government may, by general or special order, direct.

Suspension
and revoca-
tion
of licences.

17. Subject to any general or special directions of the Provincial Government, a licence granted under section 14 may be suspended for a period not exceeding three months by the Superintendent or revoked at any time by the visiting committee on the recommendation of the Inspector-General of Prisons. When the licence of any inmate has been suspended or revoked he shall return to the Borstal Institution and if he fails to do so he may be arrested without warrant and taken to the institution.

Penalty for
escape.

18. (1) If any inmate escapes from a Borstal Institution before the expiry of the period for which he was ordered to be detained, or if any inmate absent on licence from a Borstal Institution escapes from the supervision or authority of any **[servant of the Crown or any]* (secular) institution or person or religious society in whose charge he was placed, or fails on the suspension or revocation of his licence to return to the Borstal Institution, he may, on conviction by a magistrate, be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both, or may be ordered to be detained, for a term which may extend to two years, in addition to the residue of detention, and his licence shall be forfeited with effect from the date of his escape or failure to return as the case may be.

(2) An offence under this section shall be deemed to be a cognizable offence within the definition of that term in the Code of Criminal Procedure, 1898 (V of 1898).

*These words were substituted for the words "Government Officer or" by the Adaptation Order.

19. When an inmate is reported to the Provincial Government by the visiting committee to be incorrigible or to be exercising a bad influence on the other inmates of the institution or is sentenced to imprisonment under section 18 or section 22 of this Act, or is reported by the Superintendent to have committed an offence which has been declared to be a major Borstal Institution offence by rules made by the Provincial Government in pursuance of the provisions of clause (14) of section 33 of this Act, the Provincial Government may commute the residue of detention to such term of imprisonment of either description not exceeding such residue as the Provincial Government may direct, and may order the transfer of the inmate to any jail in the Central Provinces in order to complete the said term of imprisonment.

Incorrigibles.

20. Inmates who have been appointed as officers shall be deemed to be public servants within the definition of that term in the Indian Penal Code (XLV of 1860).

Inmates appointed officers to be public servants.

21. An inmate, when being taken to or from any Borstal Institution in which he may be lawfully detained, or whenever he is working outside or he is otherwise beyond the limits of any such Borstal Institution, in or under the lawful custody or control of an officer belonging to such Borstal Institution, shall be deemed to be under detention and shall be subject to all the same incidents as if he were actually in a Borstal Institution.

Extra-mural custody, control and employment of inmates.

22. Whoever, contrary to any rule under section 33, introduces or removes, or attempts by any means whatever to introduce or remove into or from any Borstal Institution, or supplies or attempts to supply to any inmate outside the limits of such institution any prohibited article,

Penalty for introduction or removal of prohibited articles into or from Borstal Institutions and communication with inmates.

and every officer of a Borstal Institution who, contrary to any such rule, knowingly suffers any such article to be introduced into or removed from any Borstal Institution, to be possessed by any inmate, or to be supplied to any inmate outside the limits of Borstal Institution,

and whoever, contrary to any such rule, communicates or attempts to communicate with any inmate,

and whoever abets any offence made punishable by this section,

shall, on conviction before a magistrate, be liable to imprisonment of either description for a term not exceeding six months, or to fine not exceeding two hundred rupees, or to both.

23. When any person, in the presence of any officer of a Borstal Institution commits any offence specified in section 22, and refuses on demand of such officer to state his name and residence, or gives a name or residence which such officer knows, or has reason to believe, to be false, such officer may arrest him, and shall without unnecessary delay make him over to a Police

Power to arrest for offences under section 22.

officer, and thereupon such Police officer shall proceed as if the offence had been committed in his presence.

Publication
of penalties.

24. The Superintendent shall cause to be affixed, in a conspicuous place outside the Borstal Institution, a notice in English and the vernacular setting forth the acts prohibited under section 22 and the penalties incurred by their commission.

Officers in
charge of
Borstal
Institu-
tions to
detain
persons duly
committed
to their
custody.

25. The officer in charge of a Borstal Institution shall receive and detain any person duly committed to his custody under this Act according to the directions contained in the order by which such person has been committed or until such person is discharged or removed in due course of law.

Officers in
charge of
Borstal
Institu-
tions to
return
orders, etc.,
after
execution,
or discharge.

26. The officer in charge of a Borstal Institution shall forthwith, after execution of every such order as aforesaid or after the discharge of the person committed thereby, return such order to the magistrate, District Magistrate or court by which the same was issued or made, together with a certificate, endorsed thereon and signed by him, showing how the same has been executed, or why the person committed thereby has been discharged from detention before the execution thereof.

Powers for
officers in
charge of
Borstal
Institu-
tions to give
effect to
orders
of certain
courts.

27. The officer in charge of a Borstal Institution shall give effect to any order for the detention of any person passed or issued—

(a) by any Court or tribunal acting whether within or without British India, under the general or special authority of His Majesty, or of the *[Central Government or of the Crown Representative] or of any Provincial Government; or

†[(b) by any Court or tribunal in any Indian State—

(i) if the presiding judge, or, where the Court or tribunal consists of two or more judges, at least one of the judges, is a servant of the Crown authorized to sit as such judge by, or by the Ruler of, that State, or by the Central Government or the Crown Representative; and

(ii) if the reception, or detention in the province of persons ordered to be detained by any such Court or tribunal has been authorized by general or special order of the Provincial Government; or

(c) by any other Court or tribunal in the territories of any Indian State with the previous sanction of the Provincial Government in the case of each order.]

Warrant of
officers of
such
courts to be
sufficient
authority.

28. An order under the official signature of an officer of, and under the seal of, such Court or tribunal as is referred to in section 27, shall be sufficient authority for detaining any person, in pursuance of the order passed upon him.

*These words were substituted for the words "Governor-General in Council" by the Adaptation Order.

†Clauses (b) and (c) substituted by the Adaptation Order.

29. (1) Where an officer in charge of a Borstal Institution doubts the legality of an order sent to him for execution or the competency of the person whose official seal or signature is affixed thereto to pass the order, he shall refer the matter to the Provincial Government by whose order on the case he and all other public officers shall be guided as to the future disposal of the inmate.

Procedure where officer in charge of Borstal Institution doubts the legality of order sent to him for execution.

(2) Pending reference made under sub-section (1), the inmate shall be detained in accordance with the order.

30. (1) Where it appears to the Provincial Government that any person detained under any order is of unsound mind, the Provincial Government may order his removal to an asylum or other place of safe custody within the province, there to be kept and treated as the Provincial Government directs during the remainder of the term for which he has been ordered to be detained, or, if on the expiration of that term it is certified by a medical officer that it is necessary for the safety of the inmate or others that he should be further detained under medical care or treatment, then until he is discharged according to law.

Lunatic inmates how to be dealt with.

(2) Where it appears to the Provincial Government that an inmate so kept and treated has become of sound mind, the Provincial Government shall, by a warrant directed to the person having charge of the inmate, if still liable to be detained, remand him to the Borstal Institution from which he was removed, or to another Borstal Institution within the province, or, if he is no longer liable to be detained, order him to be discharged.

(3) The provisions of section 31 of the Indian Lunacy Act, 1912 (IV of 1912), shall apply to every person confined in an asylum under sub-section (1) after the expiration of the term for which he was ordered to be detained; and the time during which an inmate is confined in an asylum under that sub-section shall be reckoned as part of the term of detention which he may have been ordered to undergo.

(4) In any case in which the Provincial Government is competent under sub-section (1) to order the removal of an inmate to an asylum or other place of safe custody within the province, the Provincial Government may order the removal to any such asylum or place within any other province or within the territories of any Indian Prince or State by agreement with the Provincial Government of such other province or with such Indian Prince or State, as the case may be, and the provisions of this section respecting the custody, detention, remand and discharge of an inmate removed under sub-section (1) shall, so far as they can be made applicable, apply to an inmate removed under this sub-section.

31. Subject to the provisions of section 32 and of clause (13) of section 33 of this Act, the provisions of section 12 and Chapter XI of the Prisons Act, 1894 (IX of 1894), and of sections 35 to 50 (inclusive) and the rules made by the Provincial Government * [. . .] under section 51 of the Prisoners Act, 1900 (III of

Application to Borstal Institution of certain provisions of the Prisons Act, 1894, and the Prisoners Act, 1900.

*The words "or the Governor-General" were omitted by the Adaptation Order.

1900), shall apply as far as may be to Borstal Institutions established under this Act, and all reference to prisoner, prison, imprisonment or confinement in the said sections, chapters and rules shall be construed as referring to inmate, Borstal Institution and detention.

How punishment of whipping may be inflicted on an inmate. Power to make rules under the Act.

32. For the purpose of punishing Borstal Institution offences, whipping shall be inflicted upon the palm of the hand only.

33. The Provincial Government may make rules after previous publication consistent with this Act—

(1) for the regulation, management and classification of Borstal Institutions established under this Act, and the description and construction of wards, cells and other places of detention;

(2) for the regulation by number or otherwise of the inmates to be detained in each class of institution;

(3) for defining the powers and duties of the Inspector-General of Prisons;

(4) for the government of Borstal Institutions, and the appointment, guidance, control, punishment and dismissal of Superintendents and other officers employed in Borstal Institutions, and for the defining of their responsibilities, duties, disabilities and powers;

(5) for the maintenance of records, and the preparation and submission of reports;

(6) for the selection and appointment of inmates as inmate officers and their punishment, reduction and dismissal and for defining the duties and powers of such officers;

(7) for the temporary detention of inmates until arrangements can be made for their admission to Borstal Institutions;

(8) for the admission, removal and discharge of inmates, and for the disposal of their effects during their detention;

(9) for feeding, clothing and bedding of inmates;

(10) for the custody, discipline, grading, treatment, education, training and control of inmates;

(11) for the employment of inmates and the disposal of the proceeds of their labour;

(12) for the treatment of sick inmates;

(13) for defining the acts which shall constitute Borstal Institution offences;

(14) for determining the classification of Borstal Institution offences into major and minor offences;

(15) for fixing the punishments admissible under this Act which shall be awardable on commission of Borstal Institution offences or classes thereof;

(16) for declaring the circumstances in which acts constituting both a Borstal Institution offence and an offence under the Indian Penal Code (XLV of 1860), may or may not be dealt with as a Borstal Institution offence;

(17) for the award of marks and the shortening of periods of detention;

(18) for regulating the use of arms against any inmate or body of inmates and the use of fetters in the case of an outbreak or attempt to escape;

(19) for defining the circumstances and regulating the conditions under which inmates in danger of death may be released;

(20) for regulating the transfer from one part of British India to another of inmates whose term of detention is about to expire;

(21) for defining articles the introduction or removal of which into or out of Borstal Institutions without due authority is prohibited;

(22) for the classification and the separation of inmates;

(23) for rewards for good conduct;

(24) for regulating the transfer of inmates from one Borstal Institution to another or to an hospital, or asylum, and from a Borstal Institution to a prison, or from a prison to a Borstal Institution;

(25) for the treatment, transfer and disposal of criminal lunatics or recovered criminal lunatics confined in Borstal Institutions;

(26) for regulating the transmission of appeals and petitions from inmates and their communications with their relatives and friends;

(27) for the appointment and guidance of visitors of Borstal Institutions;

(28) for prescribing conditions on which licences may be granted, suspended, revoked or cancelled;

(29) for the appointment, powers, and control of parole officers;

(30) for defining the powers and duties of visiting committees; and

(31) generally for all purposes consistent with this Act.

34. The Provincial Government after giving by notification in the official Gazette not less than three months' notice of its intention to do so may, by like notification,—

(1) direct that the provisions of sections 5, 6 and 7 shall extend to persons not above such age, between twenty-one and

Powers of the Provincial Government to vary age limit and to apply the Act to females.

twenty-three, as may be specified in the direction, and upon such direction being notified the said sections shall, whilst the direction is in force, have effect as if the specified age were substituted for "twenty-one";

(2) direct that the provisions of sections 5, 6 and 7 shall extend to females, and upon such direction being notified the said sections shall, whilst the direction is in force, have effect as if the word "male" were omitted.

Whipping
not to be
inflicted
on females.

35. Notwithstanding the provisions of clause (2) of section 34, the punishment of whipping shall not be inflicted upon a female for a Borstal Institution offence.

Provision for
detention of
prisoners
confined in
Narsinghpur
Adolescent
jail and
Adolescent
wards of
Nagpur and
Jubbulpore
Jails at the
commence-
ment
of the Act.

36. If it appears to the Provincial Government that any male person not less than sixteen or more than twenty-one years of age who having been sentenced to rigorous imprisonment for an offence or having been committed to or confined in prison for failing to give security for good behaviour is at the time of the commencement of this Act confined in the Narsinghpur Adolescent Jail or in the Adolescent wards of the Nagpur and Jubbulpore Jails, should for the reasons described in sub-section (1) of section 5 be detained, the Provincial Government may direct that he be detained for a period not exceeding the residue of his sentence or of the period for which security was required, as the case may be: Provided that such order shall be subject as regards the period of detention to any order passed on appeal against or revision of the sentence or order of commitment or confinement in prison.

RULES FOR THE CONTROL AND MANAGEMENT OF
BORSTAL INSTITUTIONS

C. P. Jail
Dept. Notfn.
No. 240-523-
V-(a),
d. 2-6-30.

1. *Management and regulation of the Institutions—section 33 (1).*—Subject to the orders of the Inspector-General of Prisons the regulation and management of the Institutions shall be vested in the Superintendent appointed by the Provincial Government.

2. *Powers and duties of the Inspector-General of Prisons—section 33 (3).*—Subject to the orders of the Provincial Government the Inspector-General of Prisons shall exercise general control and superintendence over the Institutions in accordance with the rules laid down in the Central Provinces and Berar Jail Manual, 1944, Part II, Chapter IX, Section I, except in so far as they are inconsistent with the Central Provinces Borstal Act, 1928.

3. *Government of Borstal Institutions and the appointment, guidance, control, punishment and dismissal of officers and their responsibilities, duties, disabilities and powers—section 33 (4).*—(a) The Director of Public Health, the Inspector-General of Civil Hospitals, and the District Magistrate shall exercise the powers and perform the duties in the government of the Borstal Institutions as laid down in the Central Provinces and Berar Jail Manual, 1944, rules 255, 256, 259 to 263 and 306, except in so far as they are inconsistent with the Central Provinces Borstal Act, 1928.

(b) The rules in the Jail Manual relating to jailors shall apply to the Assistant Superintendent and deputy jailor and those relating to assistant jailors shall apply to head clerks, schoolmasters, physical instructors and store-keepers of the Borstal Institutions except in so far as they are inconsistent with the Central Provinces Borstal Act, 1928.

(c) The Superintendents and other officers of the institutions shall be subject to the rules laid down in Chapter IX of the Central Provinces and Berar Jail Manual, 1944, except in so far as they are inconsistent with the Central Provinces Borstal Act, 1928.

* The rules given in Chapter IX, Section XIX, Jail Manual, 1944, regarding security and security bonds, section XX regarding uniform, accoutrements, ordnance supplies and military training shall likewise apply to Borstal Institutions except in so far as they are inconsistent with the Central Provinces Borstal Act, 1928.

4. *Maintenance of records and submission of reports—section 33 (5).*—The maintenance of records shall be governed by the provisions of section 12 of the Prisons Act and the rules 801 and 803 to 808 of the Central Provinces and Berar Jail Manual, 1944. For the preparation and submission of reports, the rules 136, 187, 289, 302, 334, 488, 542, 882, 1008, 1061, 1084 and 1085 in the Central Provinces and Berar Jail Manual, 1944, shall apply, except in so far as they are inconsistent with the Central Provinces Borstal Act, 1928.

5. *Selection and appointment of inmates as inmate officers—section 33 (6).*—(a) The selection of inmate officers shall be made from the inmates of the special star grade. The selection shall be regulated by close personal observation of the inmates, attention being especially paid to their general behaviour, their amenability to discipline, and their attention to instruction, both literary and industrial.

(b) Inmate officers may act as monitors in different capacities, and may be placed in authority over other inmates on parades, in the workshops or recreation rooms, and in other situations where they can assist the administration in various ways.

6. *Punishment, reduction and dismissal of inmate officers—section 33 (6).*—The punishment, reduction and dismissal of inmate officers shall be governed by the rules laid down in Part II, Chapter XVII, of the Central Provinces and Berar Jail Manual, 1944, except in so far as they are inconsistent with the Central Provinces Borstal Act, 1928.

7. *Duties and powers of inmate officers—section 33 (6).*—The duties and powers of inmate officers shall be governed by the rules laid down in Part II, Chapter XVII, of the Central Provinces and Berar Jail Manual, 1944, except in so far as they are inconsistent with the Central Provinces Borstal Act, 1928.

8. *Temporary detention of inmates—section 33 (7).*—Adolescents convicted in any district shall be detained in the local jail until arrangements are made for their transfer to a Borstal Institution.

9. *The admission, removal and discharge of inmates and disposal of their effects—section 33 (8).*—The admission, removal and discharge of inmates and disposal of their effects shall be governed by the rules laid down in Chapter XXIV, Part II, of the Central Provinces and Berar Jail Manual, 1944, except in so far as they are inconsistent with the Central Provinces Borstal Act, 1928.

10. *Custody, discipline, grading treatment and control of inmates—section 33 (10) and (22).*—There shall be the following grades of inmates:—

(i) Ordinary grade.

(iii) Special star grade.

(ii) Star grade.

(iv) Penal grade.

The privileges of each succeeding grade shall be higher than those of the preceding grade. All inmates on reception shall be placed in the ordinary grade. Promotion shall be regulated by close personal observation of the inmates, attention being specially paid to their general behaviour, their amenability to discipline and their attention to instruction, both literary and industrial.

(i) *Ordinary grade.*—An inmate shall remain in the ordinary grade for at least six months, during which he shall be employed on domestic service, gardening or farming. During this period he shall be carefully observed by the staff with special reference to his character, mental disposition and fitness for a special

trade. He shall be permitted during this period, subject to good behaviour, to take part in games on Saturdays, and to write and receive one letter and have one interview every month.

(ii) *Star grade*.—Promotion to the star grade shall be made by selection by the Superintendent, the inmate so promoted being placed in a trade suitable to his individual taste and capacity. While in this grade, inmates shall be permitted to join in games twice a week; to accompany members of the staff on route marches; to write and receive one letter and have one interview every month, and by exemplary conduct to earn badge money of one rupee a quarter. The badge money awarded to inmates in the star grade may be spent by them on objects approved by the Superintendent, or sent to their relations, or invested in the local Savings Bank.

(iii) *Special star grade*.—When, after close observation of his general demeanour and efficiency, the Superintendent is satisfied that an inmate in the star grade may be safely placed in a position of special trust, he may be promoted to the special star grade. Such inmates shall wear a distinctive dress. They shall be permitted to take part in games every day and to play in school matches on the extra-mural play-grounds; to accompany members of the staff on route marches; to write and receive one letter and have one interview each month; and by exemplary conduct to earn badge money of three rupees a quarter. The badge money awarded to inmates in the special star grade may be spent by them on objects approved by the Superintendent, or sent to their relations or invested in the local Savings Bank.

(iv) *Penal grade*.—When an inmate is believed to be exercising a bad influence or is guilty of any misconduct, he shall be placed by the Superintendent in the penal grade for such period as the Superintendent considers necessary in the interests of the inmate himself or of the other inmates. While in this grade, an inmate shall be employed in separation on hard and laborious work and shall forfeit all privileges. The Superintendent shall record in his journal particulars of the case of every inmate placed in the penal grade with the reasons for such order and the period during which the inmate is to remain in the grade. In no case shall an inmate be placed in the penal grade for a period longer than three months without the special sanction of the Inspector-General of Prisons.

Exceptions.—If an inmate who is guilty of any misconduct is a member of the star or special star grade, the Superintendent may place him in the ordinary grade, if he considers that the circumstances of the case are not such as to warrant placing him in the penal grade.

11. *Feeding, clothing and bedding of inmates*.—section 33 (9).—All inmates shall be given the diet scales laid down in Part I, Chapter IX, Section I, of the Central Provinces and Berar

Jail Manual, 1944. Their clothing and bedding shall be as follows :—

<i>Penal grade</i>	<i>Ordinary grade</i>
Blue cap.	Khaki cap.
Blue jacket.	Khaki jacket.
Blue shorts.	Khaki shorts.
Blue langooti.	White langooti.
Ordinary blankets (one or more).	Ordinary blankets (one or more).
Coir mat.	Aloe mat.

Star grade.

As for the ordinary grade, with the addition of a brass star on the right breast of the jacket.

Special Star grade

White cap.	White towel.
White jacket with brass star.	Blankets (one or more).
White shorts.	Cotton sheet.
White langooti.	Kora mat.

12. *Education of inmates—section 33 (10).*—(a) Drill and physical exercise shall be conducted under the supervision of a qualified instructor.

(b) Literary instruction shall be given in the inmate's language and limited to the elements of reading, writing and arithmetic. The educational section shall be inspected annually by an officer deputed by the Education Department and a report of his examination of each class shall be submitted to the Inspector-General of Prisons.

(c) Religious and moral instruction shall as far as possible be given on Sundays to an inmate by persons of the same religious denomination or by honorary lecturers approved by the Inspector-General of Prisons.

13. *Employment of inmates and disposal of proceeds of their labour—section 33 (11).*—(a) Such industries as the Superintendent of the institution, with the approval of the Inspector-General of Prisons, considers suitable shall be taught under the guidance of specially trained instructors.

(b) The Director of Industries in the case of industrial operations and the Director of Agriculture in the case of agricultural operations will depute officers of their respective departments to inspect the institutions from time to time and submit a report to the Inspector-General of Prisons.

(c) In deciding on the particular industry which any inmate is to be taught, the Superintendent shall take into consideration the inmate's previous training, his social status, his physical and mental capabilities, and his inclination.

(d) The instructors in the educational section and workshops shall maintain registers showing the progress made by each inmate. These registers shall be produced before the Superintendent once a month.

(e) The Superintendent will personally supervise the kind of work which each inmate is called upon to perform. Articles manufactured in a Borstal Institution will be sold at market rates and the proceeds credited to Government. All inmates, provided they are medically fit, shall be required to labour for 7½ hours every working day. The day's programme for ordinary, star and special star grades will be as follows:—

March 1st to July 15th.

Unlocking 5.30 a.m.	..	Morning meal, latrine parade, etc.
6.30 to 7.00	..	Drill.
7.00 to 7.30	..	Distribution of labour, tools, materials, etc.
7.30 to 9.30	..	Institution work at trade or maintenance duties.
9.30 to 11.00	..	School.
11.00 to 2.30 p.m.	..	Midday meal, bath and rest.
2.30 to 5.00	..	Work.
5.00 to 5.30	..	Latrine parade.
5.30 to 6.30	..	Games and bath.
6.30 to 7.30	..	Evening meal.
7.30 to 9.00	..	School, reading and indoor games.
Number of hours of work	..	Four and a half.
Number of hours of school	..	Three.

July 16th to end of February.

Unlocking 6.00 a.m.	..	Morning meal, latrine parade, etc.
7.00 to 7.30	..	Drill.
7.30 to 8.00	..	Distribution of labour, tools, materials, etc.
8.00 to 10.30	..	Institution work at trade or maintenance duty.
10.30 to 11.30	..	School.
11.30 to 1.30 p.m.	..	Midday meal, bath and rest.
1.30 to 4.00	..	Work.
4.00 to 5.00	..	Games.
5.00 to 7.00	..	Evening meal, bath and latrine parade, etc.
7.00 to 8.30	..	School.
Number of hours of work	..	Five.
Number of hours of school	..	Two and a half.

14. *Treatment of sick inmates—section 33 (12).*—The treatment of sick inmates shall be governed by the rules laid down in Chapter VIII of the Prisons Act for such prisoners, except in so far as they are inconsistent with the Central Provinces Borstal Act, 1928.

15. *Borstal offences and their classification into major and minor offences—section 33 (13) and (14).*—The following offences shall be considered Borstal offences:—

- (1) Rioting.
- (2) Assaulting a public servant.
- (3) Escape or aiding escape.
- (4) Sodomy or attempted sodomy.
- (5) Attempts to commit suicide.
- (6) Voluntarily causing grievous hurt.
- (7) All other offences against discipline and good order; with the exception of such as must be dealt with by prosecution under the Indian Penal Code.

The offences included in sub-heads (1) to (6), and offences under the Indian Penal Code, shall be major Borstal offences. Those included under sub-head (7) shall be minor Borstal offences.

16. *Punishment for Borstal offences—section 33 (15)—Punishment for offences.*—The punishments which may be inflicted on an inmate of a Borstal Institution for offences specified in the Prisons Act, 1894, and the rules made thereunder shall be restricted to punishments prescribed by the Prisons Act, 1894, and the rules thereunder except punishment by handcuffs, fetters, gunny clothing, and cellular confinement specified in clauses (5) to (7), (10) and (11) of section 46 of that Act and the rules relating thereto:

Provided that nothing in this clause shall be deemed to permit separate confinement under clause (8) of that section for more than fourteen days.

No punishment shall be awarded to any inmate by any official of an institution except the Superintendent.

17. *Procedure for dealing with acts constituting both a Borstal offence and an offence under the Indian Penal Code—section 33 (16).*—(1) When, in the opinion of the Superintendent, any of the following offences are established against any inmate, he shall refer the case to the magistrate exercising jurisdiction for enquiry in accordance with the Code of Criminal Procedure, 1898:—

- (a) offences punishable under sections 147, 148 and 152 of the Indian Penal Code;
- (b) offences punishable under sections 212, 223 and 224 of the Indian Penal Code;
- (c) offences punishable under sections 304-A, 309, 325 and 326 of the Indian Penal Code;
- (d) any offence triable exclusively by the Court of Sessions.

(2) It shall be in the discretion of the Superintendent to determine, with respect to any other act which constitutes both a prison offence and an offence under the Indian Penal Code, whether he will use his own powers of punishment or move the magistrate exercising jurisdiction to enquire into it in accordance with the Code of Criminal Procedure, 1898.

18. *Awarding of marks—section 33 (17).*—(a) To encourage diligence and good conduct, and thereby to promote discipline, a system of awarding daily one mark for conduct and school work and one mark for trade shall be observed. On holidays two marks shall be allowed for conduct.

(b) An inmate will be entitled to a gratuity calculated at the following scale for every 13 marks gained by him during the week and still standing to his credit at the end of it :—

Penal grade—One anna.

Ordinary grade—One and a half anna.

Star grade—Two annas.

Special star grade—Two and a half annas.

(c) A minimum of 10 marks for each week will entitle the inmate to the award of half of the amount given in rule (b).

(d) The inmates shall be allowed the privilege of spending one-third of the money so earned by them on sweets, toys and other articles not forbidden by the institution rules. In times of epidemic sickness the purchase of sweets may be forbidden at the discretion of the Superintendent.

(e) The remaining two-thirds, together with any rewards earned under rule 11 (iii) and (iv), shall be deposited by the Superintendent in the local Savings Bank. A ledger shall be kept in the office with a debtor and a creditor account against each inmate's name, and on Sunday parades he will be informed of the amount to his credit. The interest granted by the Post Office shall be distributed amongst the inmates borne on the register on the 1st July approximately in proportion to the amount of their deposits.

(f) To enable the Superintendent, the teachers and the trade masters to carry out the orders in reference to the allotment of marks or rewards with regularity and fairness, a register will be kept and daily marks recorded in the names of inmates who have earned them.

19. *Shortening of the periods of detention—section 33 (17).*—Shortening of the periods of detention of inmates shall be governed by the rules regulating remissions of sentences laid down in Part II, Chapter II, of the Central Provinces and Berar Jail Manual, 1944, except in so far as they are inconsistent with the Central Provinces Borstal Act, 1928.

20. *Use of arms and fetters—section 33 (18).*—The use of arms against any inmate or body of inmates and use of fetters in the case of an outbreak or attempt to escape shall be governed by the rules 168 to 172 and 1188 to 1193 of the Central Provinces and Berar Jail Manual, 1944, except in so far as they are inconsistent with the Central Provinces Borstal Act, 1928.

21. *Release of inmates in danger of death—section 33 (19).*—The release of inmates in danger of death shall be governed by the rules laid down in Part II, Chapter VI, of the Central Provinces and Berar Jail Manual, 1944, except in so far as they are inconsistent with the Central Provinces Borstal Act, 1928.

22. *Transfer of inmates—section 33 (20).*—The transfer from one part of British India to another of inmates whose term of detention is about to expire shall be governed by the rules 1171, 846, 847, 849 and 854 in the Central Provinces and Berar Jail Manual, 1944, except in so far as they are inconsistent with the Central Provinces Borstal Act, 1928.

23. *Articles, introduction or removal of, which is prohibited—section 33 (21).*—The defining of articles, the introduction or removal of which into or out of Borstal Institutions without due authority is prohibited, shall be governed by the rules 737 to 739 in the Central Provinces and Berar Jail Manual, 1944, except in so far as they are inconsistent with the Central Provinces Borstal Act, 1928.

24. *Transfer of inmates to hospitals, etc.—section 33 (24).*—The transfer of inmates from one Borstal Institution to another or to an hospital, or asylum, and from a Borstal Institution to a prison, or from a prison to a Borstal Institution shall be governed by the rules 1032 to 1042 and 1044 to 1053 in the Central Provinces and Berar Jail Manual, 1944, except in so far as they are inconsistent with the Central Provinces Borstal Act, 1928.

25. *Treatment, etc., criminal lunatics—section 33 (25).*—The treatment, transfer and disposal of criminal lunatics or recovered criminal lunatics shall be governed by the rules 866 to 882 and 885 to 887 in the Central Provinces and Berar Jail Manual, 1944, except in so far as they are inconsistent with the Central Provinces Borstal Act, 1928.

26. *Transmission of appeals and petitions from inmates and their communications with their relatives and friends—section 33 (26).*—The transmission of appeals and petitions from inmates and their communications with their relatives and friends shall be governed by the rules 888 to 892, 895 to 899, 902 to 910, 911 (1) and 912 to 927 in the Central Provinces and Berar Jail Manual, 1944, except in so far as they are inconsistent with the Central Provinces Borstal Act, 1928.

27. *Appointment and tenure of visiting committees.*—A C. P. & visiting committee shall be appointed under section 3 (3) of the Berar Borstal Act for each Borstal Institution by the Provincial Government on the advice of the Commissioner of the Division in which it is situated. The Committee shall consist of not more than ten members, of whom three shall form a quorum. The 39.
 Jail Dept. No. 543-506. III, d 4-9.

Inspector-General of Prisons, the Sub-Divisional Officer, Narsinghpur, the Inspector of Industrial Schools, and the Senior Extra-Assistant Commissioner, Narsinghpur, shall be *ex officio* members, and the Inspector-General of Prisons shall be the Chairman of the Committee. The members of the Committee, other than *ex officio* members, shall hold office for three years or until their successors are appointed.

28. *Conditions for the grant, suspension, revocation or cancellation of licences—section 33 (28).*—The conditions on which licences may be granted, suspended, revoked or cancelled shall be governed by the rules laid down in this Chapter.

29. *Appointment, powers and control of parole officers—section 33 (29).*—(1) For every inmate discharged on licence from a Borstal Institution there shall be appointed a parole officer. His appointment shall be made by the District Magistrate of the district in which the inmate so discharged would ordinarily reside, in consultation with the local Borstal Association if any and the local authorities in the district where the inmate resided before he was ordered to be detained.

(2) Two months prior to the discharge referred to in sub-rule (1) the Superintendent shall request the District Magistrate to appoint a suitable parole officer as provided in that sub-rule.

(3) The District Magistrate shall communicate all appointments of parole officers made under sub-rule (1) to the Superintendent in sufficient time for the inmates concerned to be informed of their respective parole officers before their discharge from the institution.

(4) It shall be the duty of the parole officer to look after the conduct and welfare of his protégé and generally to act *in loco parentis*. Should the protégé's conduct be bad, it shall be the duty of the parole officer to report the fact to the District Magistrate.

30. *Powers and duties of visiting committees—section 33 (30).*—(a) The powers and duties of visiting committee shall be governed by the rules laid down in Chapter XXII, Part II, of the Central Provinces and Berar Jail Manual, 1944, except in so far as they are inconsistent with the Central Provinces Borstal Act, 1928.

(b) The visiting committee of each institution shall act as an advisory body for recommending the release of inmates. Its proposals for the release of inmates under section 401, Criminal Procedure Code, shall be submitted for the orders of Government through the Inspector-General of Prisons.

31. *General purposes—section 33 (31).*—Sundays, Christmas Day, Good Friday, the King-Emperor's Birthday, Holi, Janmastami, the last day of Divali, and the last day of Ramzan shall be regarded as general holidays for the institution, and no work except such as may be necessary for the internal management and domestic economy of the institution, or is required by an emergency, shall be permitted.

DIRECTION REGARDING THE RELEASE ON LICENCE
OF INMATES FROM THE NARSINGHPUR BORSTAL
INSTITUTION

1. (1) At every meeting of the Visiting Committee the Superintendent of the Borstal Institution shall bring before the committee all inmates who are eligible for being discharged on licence.

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Jail Dept.,
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V (a),
d. 2-6-30.

(2) He shall cause to be prepared a list of persons or secular institutions or religious societies that are desirous of taking over charge of such inmates, and in order to enable him to do this he should, if he thinks necessary, consult the District Magistrate and the Members of the Visiting Committee.

(3) No official of the Borstal Institution shall be eligible to obtain such inmates on licence. The number of inmates licensed to one person shall not exceed two, the second being licensed to him only if there be no other suitable applicant.

(4) An application for an inmate on licence should be made in writing to the Superintendent of the Borstal Institution. It should state the nature of the work he will be required to do and the wages it is proposed to give him.

(5) The Superintendent of the Borstal Institution shall then detail an inmate for the purpose from among those passed by the Visiting Committee at their last meeting and approved by the Inspector-General of Prisons, and shall report his action at the next meeting of the committee.

2. When inmates have been sent out on licence, the Superintendent of the Borstal Institution shall call for a report from the guardians every three months and shall place these reports before the Visiting Committee at their next meeting.

3. Should the report of a guardian on an inmate be unsatisfactory, or should the Visiting Committee for other reasons deem such a course desirable, they may, with the approval of Inspector-General of Prisons, cancel the licence at any time. The Superintendent of the Borstal Institution shall then arrange with the District Magistrate of the district in which the inmate is licensed for the return of the inmate to the Borstal Institution.

4. The original licence shall be delivered to the guardian and a copy shall be given to the inmate whom it concerns. A register of licences shall be maintained by the Superintendent of the Borstal Institution.

5. Inmates absent on licence shall be exempted from wearing Borstal clothing.

6. It shall be the duty of the Superintendent of the Borstal Institution to give notice to any guardian—

(a) when an inmate's licence is cancelled or is about to terminate;

(b) when the period for which he can be detained is about to expire.

7. On an inmate under licence escaping from the supervision of his guardian, the latter shall give immediate notice to the District Magistrate and the District Superintendent of Police of the district and the Superintendent of the Borstal Institution to which the inmate belongs, so that immediate steps may be taken for the recapture of the inmate and his return to the Borstal Institution. Any inmate who escapes while on licence shall never be employed again outside the Borstal Institution during any further period of detention nor shall he ever be licensed to any person again.

8. All inmates allowed out on licence as above shall attend the regular annual inspection of the Inspector-General of Prisons.

Licence for the discharge of inmates of a Borstal Institution under section 14 of the Borstal Act, 1928.

Whereas _____ is at present detained in the _____ Borstal Institution, under a warrant signed by _____ and dated _____ and whereas the said _____ has conducted himself to the satisfaction of the Superintendent and whereas _____ being a trustworthy and respectable person/secular institution/religious society to wit _____ is willing to receive and take charge of the said _____

These presents witness that the said _____ is hereby licensed to live under the charge of _____ from this date, subject to the conditions stated on the reverse thereof.

_____ will be released on _____

(Signed)

Superintendent of _____ Borstal Institution.

Dated _____

The following are the conditions on which inmates are licensed from the Borstal Institution :—

NOTE.—The word “guardian” in these rules refers to a person, secular institution or religious society mentioned in the licence.

(i) The inmate must not be employed on any work which is contrary to his caste.

(ii) The guardian shall arrange for the lodging, clothing and maintenance of the inmate or shall pay such sum as shall be sufficient for the inmate's food, clothing and house rent if he is required to hire a place for his lodging at the wish of the guardian.

(iii) The licence shall be in force for the unexpired portion of the inmate's sentence, but may be determined at any time by the following:—

- (a) Unsatisfactory work or conduct on the part of the inmate.
- (b) The death of the guardian or the closing up of his business.
- (c) The winding up of the society or institution to which the inmate is licensed.
- (d) The request of the inmate or the guardian.

(iv) The licence shall be cancelled by the Visiting Committee on the recommendation of the Inspector-General of Prisons, if the guardian has ill-treated the inmate or inadequately provided for his lodging and maintenance, or for any other adequate reason.

(v) The guardian shall not be responsible for the safe custody of the inmate, but, it is expected that he will exercise every effort to make the inmate happy and comfortable so that the latter will not desire to leave his protection. For this reason it is desirable that lodging, etc., should be provided if possible on the guardian's own premises.

(vi) The guardian will give for the work done by the inmate an adequate wage approximating the market rate, allowing for the inferiority at first of the inmate's untrained labour.

(vii) Any wages which the inmate receives over and above the amount required to cover the cost of his clothing and maintenance shall be remitted to the Superintendent of the Borstal Institution every month. The amount shall be credited to the inmate's account and the total amount shall be remitted to the inmate on the expiration of his period of detention. The Superintendent is empowered to give to the inmate monthly such pocket-money as he may consider sufficient from the wages received.

(viii) If any inmate escapes from the charge of a guardian, the latter shall give immediate information in writing to the District Magistrate, the District Superintendent of Police, and the Superintendent of the Borstal Institution.

(ix) Any inmate who escapes from the charge of his guardian may be arrested by any police officer without a warrant.

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APPENDICES

APPENDIX I

PENALTY BOND OF JAILERS, DEPUTY JAILERS AND ASSISTANT JAILERS

No.

C. P. &

Gov t.,
Jail Dept.Memo.
No. 669-635-
III, d. 6-12-
37.See para.
524.

KNOW all men by these presents that I.

son of , resident of

tahsil , district

, am held and firmly bound unto the Governor of the Central Provinces and Berar in the sum mentioned below to be paid to the Governor, his successors or assigns for which payment, to be well and truly made, I bind myself, my heirs, executors, administrators and representatives firmly by these presents, dated the

day of 194 :

Rs. during the tenure of my office as Assistant Jailer.

Rs. during the tenure of my office as Deputy Jailer.

Rs. during the tenure of my office as Jailer :

Provided that in no case the security shall exceed Rs. 2,000.

WHEREAS I have been appointed by the Inspector-General of Prisons acting on behalf of the Governor to hold and exercise the office of Assistant Jailer in the Jail Department of the Provincial Government and may hereafter be promoted to the office of Deputy Jailer or Jailer in the said Department, I hereby covenant that I shall deposit with the said Inspector-General of Prisons the amount of the aforesaid security in the manner prescribed by rules of the Department for the time being in force and I further covenant that I will obediently, faithfully and diligently, and to the best of my ability, fulfil all the duties of any of the said offices which I may be holding; that I will adhere strictly to such rules as may from time to time be enjoined by due authority, or by the Superintendent of the Jail in which I am for the time being employed, or other persons duly authorized for my guidance; that I will hold myself bound to produce at all times, on the requisition of the Superintendent of the Jail in which I am for the time being employed, all money, property, stores and the like that may be placed or may come into my hands, or into the hands of any agent of mine, by or on behalf of Government, and also all accounts, books, papers and the like connected with the disposition of any moneys, property, stores and the like belonging to Government; that if I fail to produce any of the moneys, property, stores and the like or any of the accounts, books, papers and the like, that I am bound as above to produce, or if I falsify or make away with any of the above accounts, books, papers and the like; or if I embezzle, steal or misappropriate any of the above

moneys, property, stores and the like; or if, through any carelessness or negligence of mine, or otherwise, such moneys, property, stores and the like, or accounts, books, papers and the like are embezzled, stolen, misappropriated, or otherwise made away with, out of my custody and charge; or if through any neglect of my duties the Government is subjected to any loss in any way, or injury is caused to any person or persons for which the Government is held liable for damages or compensation, or the like; or if from any of the said offices which I may be holding I derive, or endeavour to derive, any advantage other than the pay or other allowances authorized by Government to me, then if it shall appear to the said Inspector-General of Prisons that I have been guilty of a breach of any one or more of the above conditions, I further covenant that, as a penalty for such breach or breaches, the whole of my security deposit shall be forfeited, and that not only to the extent of the damage done and the loss sustained, but absolutely, and so as to be at the entire disposal of the Government on simple declaration of forfeiture made by the said Inspector-General of Prisons. I further covenant that if I leave or resign any of the said offices, which I may be holding in the Jail Department, without giving two calendar months notice, the whole of the money pledged above by me shall be forfeited. And I hereby further covenant that during the continuance of this bond I will not, either myself or by others, sell, pledge, give away, or in any way otherwise dispose of the above money and that any such disposal shall be held absolutely void, and in case the money pledged as above should be found insufficient to cover any loss or damage or the like, incurred by Government through me, in contravention of this bond, I hereby further covenant that it shall be lawful for the Inspector-General of Prisons above-mentioned to attach and appropriate by sale, or otherwise, any pay, moneys, or other property of any kind of which I may be possessed, or to which I am, or may be, or may become at any time and in any way entitled, in further satisfaction of such loss, damage and the like. I further covenant that the conditions hereinbefore specified shall remain in full force and shall be binding on me so long as I shall be holding any of the said offices in the Jail Department for which security is required to be furnished. And I further covenant that this bond shall commence to have effect from the date of my appointment and shall continue in force until I have received a formal discharge of all liabilities under the seal and signature of the said Inspector-General of Prisons, and have also received back this bond, duly cancelled, under the signature of the said Inspector-General of Prisons.

As witness my hand this day of

194 .

Signed by the above-named in presence of—

1st Witness

2nd Witness

PENALTY BOND OF JAIL OFFICIALS OTHER THAN
JAILERS, DEPUTY JAILERS AND ASSISTANT
JAILERS

C. P. & Berar Govt.,
Jail Dept. Memo.
No. 669-635-III,
d. 6-12-37. KNOW all men by these presents that I,
son of _____, resident of _____,
tahsil _____, district _____, am held and
firmly bound unto the Governor of the Central Provinces and
Berar in the sum of Rs. _____ to be paid to the Governor,
his successors or assigns for which payment, to be well and
truly made, I bind myself, my heirs, executors, administrators
and representatives, firmly by these presents, dated _____ the
day of _____ 194 .

See para.
524.

WHEREAS I have been appointed by the Provincial Government/Inspector-General of Prisons, acting on behalf of the Governor to hold and exercise the office of _____ in Jail Department of the Provincial Government, I hereby covenant that I shall deposit with the Inspector-General of Prisons under whom I am serving/said Inspector-General of Prisons, the amount of the aforesaid security in the manner prescribed by rules of the Department for the time being in force and I further covenant that I will obediently, faithfully, and diligently, and to the best of my ability, fulfil all the duties of the said office; that I will adhere strictly to such rules as may from time to time be enjoined by due authority, or by the Superintendent of the Jail in which I am for the time being employed or other persons duly authorized for my guidance; that I hold myself bound to produce at all times, on the requisition of the Superintendent of the Jail in which I am for the time being employed, all moneys, property, stores and the like that may be placed or may come into my hands, or into the hands of any agent of mine, by or on behalf of Government, and also all accounts, books, papers and the like, connected with the disposition of any moneys, property, stores and the like, belonging to Government, that if I fail to produce any of the moneys, property, stores and the like of any of the accounts, books, papers, and the like, that I am bound as above to produce, or if I falsify or make away with any of the above accounts, books, papers and the like; or if I embezzle, steal, or misappropriate any of the above moneys, property, stores and the like; or if, through any carelessness or negligence of mine, or otherwise, such moneys, property, stores and the like, or accounts, books, papers and the like are embezzled, stolen, misappropriated, or otherwise made away with, out of my custody and charge; or if through any neglect of my duties the Government is subjected to any loss in any way, or injury is caused to any person or persons for which the Government is held liable for damages or compensation, or the like; or if from my office of _____ I derive or endeavour to derive, any advantage other than the pay or other allowances authorized by Government to me, then if it shall appear to the said Inspector-General of Prisons that I have been guilty of a breach of any one or more of the above

conditions, I further covenant that as a penalty for such breach or breaches the whole of my security deposit shall be forfeited and that not only to the extent of the damage done and the loss sustained, but absolutely, and so as to be at the entire disposal of the Government on simple declaration of forfeiture made by the said Inspector-General of Prisons. I further covenant that if I leave or resign my appointment of in the Jail Department without giving two calendar months' notice, the whole of the money pledged above by me shall be forfeited. And I hereby further covenant that during the continuance of this bond I will not, either myself or by others, sell, pledge, give away, or in any way otherwise dispose of the above money, and that any such disposal shall be held absolutely void, and in case the money pledged as above should be found insufficient to cover any loss or damage or the like incurred by Government through me, in contravention of this bond, I hereby further covenant that it shall be lawful for the Inspector-General of Prisons above-mentioned to attach and appropriate by sale or otherwise any pay, moneys, or other property of any kind of which I may be possessed, or to which I am or may be, or may become at any time and in any way entitled, in further satisfaction of such loss, damage and the like. I further covenant that the conditions hereinbefore specified shall remain in full force and shall be binding on me so long as I shall be holding the said office. And I further covenant that this bond shall commence to have effect from the date of my appointment, and shall continue in force until I have received a formal discharge of all liabilities under the seal and signature of the said Inspector-General of Prisons and have also received back this bond, duly cancelled, under the signature of the said Inspector-General of Prisons.

As witness my hand this _____ day of _____
194 .

Signed by the above-named in presence of—

1st Witness

2nd Witness

APPENDIX II

THE DAIRY

As a preventive against the introduction of disease by impure milk and for economy, every jail, when possible, shall have a dairy or stall, and a sufficient number of cattle to provide pure milk as required. In order to secure the successful and profitable working of the jail dairy, the following instructions shall be carefully complied with:—

(1) Proper accommodation shall be provided for the cattle. The cattle-sheds must be well roofed and properly ventilated, but arrangements must be made to prevent exposure to draughts in

the cold weather. The floor should be of well-burnt brick on edge pointed with cement. To prevent slipping, the slope of the floor should be slight, only sufficient to carry off the urine and washings to a masonry drain emptying through a spout into iron receptacles removable by hand, and not into the surface drains of the jail.

(2) Dry cows, calves, bulls and bullocks should be allowed to graze outside or inside the jail; but they should be housed outside the jail walls. Cows actually in milk should be stalled and kept inside the jail enclosure, a sufficiently large shed in two divisions being made for them and for their calves.

(3) A separate shed or separate division of shed should be provided for weaned calves.

(4) Care should be taken to select the best breed of cows that can be obtained either locally or by purchase in other districts. The improvement of the breed should always be kept in view. If a good bull is not in stock, the service of the best procurable in the neighbourhood should be obtained. Every cow should be numbered.

(5) Care should be taken that a sufficient number of cows is always in milk to yield all the milk required for the use of prisoners. Cows which are permanently barren, also male calves, should be sold. Where grazing is plentiful or fodder cheap, it may be worth while to rear female calves, and exceptionally good breeds of male calves for use as bulls and bullocks.

(6) Food not eaten by prisoners shall be carefully separated into two buckets—one for the rice or chappatis, the other for curried refuse food. Only the former should be given to cattle: the latter should be used for feeding fish or be buried as manure. All rice-water not required for consumption by the prisoners, rice-washings, *dal* husks, and any other refuse from the preparation of grain which may be wholesome for cattle, oil-cake from the manufacture of mustard or linseed oil and grass from jail lands should be used as cattle-food and should be supplemented with such purchases of other food as are necessary.

See para.
688

(7) No jail subordinate, except the Jailer, shall be permitted unless under the express order of the Superintendent, to keep private cattle on or near the jail premises. The Jailer, or Assistant Jailer in charge of a jail, shall be allowed to keep two cows or two she-buffaloes with their two calves, but these shall on no account be kept with the jail cattle, nor shall any of the jail refuse, food or grass be allowed for them.

(8) The milk (or its produce) yielded by the dairy shall first be devoted to the needs of the sick in hospital (especially those suffering from bowel diseases) and of prisoners in the convalescent and special gangs for whom the Medical Officer has ordered milk. After the wants of these persons have been fully met any milk that may remain may be utilised for the ration of A and B class prisoners, if any. Any milk still remaining after these requirements have been met may be sold at the local market rate to sick and convalescent warders and to members of the jail staff and warders who have their families living with them in jail quarters.

(9) The manufacture of butter or *ghee* (except for A and B class prisoners' diet under the conditions specified in clause 8) is prohibited. Milk should be issued to prisoners either boiled or as *dahi* and in no other form. If boiled, this should be done in the hospital enclosure under the supervision of the medical subordinate, who shall be responsible for the proper disposal of the milk from the time it is obtained from the cow to its final distribution. In preparing *dahi*, no water should be mixed with the milk before boiling.

(10) Great care should be taken that all vessels in which milk is manipulated are kept perfectly clean. For unboiled milk the vessels should be made of tin. An iron *karahi* may be used for boiling milk but earthenware vessels should be used for setting *dahi*; if glazed vessels are procurable, they should be used. All vessels should be scalded and washed with boiling water immediately after use. They must not be allowed to stand in a dirty condition. A properly secured and well-ventilated place should be provided in which the milk should be stored as soon as possible after milking and until it is issued. It would be well if this were in some prominent situation where the milk, as well as all vessels used for storage or preparation, might be within the notice of inspecting officers.

(11) A careful record of dairy stock and transactions shall be kept in the register of dead and live-stock, namely:—

A stock account of live-stock, showing receipt and disposal separately of cows, bulls, bullocks, male calves and female calves.

A stock account of dairy produce and its value and expenditure for the maintenance of cattle.

A record of the history of each cow, giving number of the cow and details of date and place of purchase, age, when served, calved, sick, etc., with dates.

(12) The manure from the dairy should be used for improving the jail garden and lands. In jails which have a sufficient supply of manure from other sources, the cow-dung should be utilized as fuel. Cakes composed of one-fourth paddy-husk and three-fourths cow-dung mixed with coal-dust make good fuel for the kitchen.

APPENDIX III

BENGAL REGULATION III OF 1818

[THE BENGAL STATE PRISONERS REGULATION, 1818]

(7th April 1818.)

A Regulation for the confinement of State Prisoners

Preamble.

1. Whereas reasons of State, embracing the due maintenance of the alliances formed by the British Government with foreign powers, the preservation of tranquillity in the territories

of Native Princes entitled to its protection, and the security of the British dominions from foreign hostility and from internal commotion, occasionally render it necessary to place under personal restraint individuals against whom there may not be sufficient ground to institute any judicial proceeding, or when such proceedings may not be adapted to the nature of the case, or may for other reasons be unadvisable or improper;

and whereas it is fit that, in every case of the nature herein referred to, the determination to be taken should proceed immediately from the authority of the [Government]*;

and whereas the ends of justice require that, when it may be determined that any person shall be placed under personal restraint, otherwise than in pursuance of some judicial proceeding, the grounds of such determination should from time to time come under revision, and the person affected thereby should at all times be allowed freely to bring to the notice of the [Government]* all circumstances relating either to the supposed grounds of such determination, or to the manner in which it may be executed;

and whereas the ends of justice also require that due attention be paid to the health of every State prisoner confined under this Regulation, and that suitable provision be made for his support according to his rank in life, and to his own wants and those of his family;

and whereas the reasons above declared sometimes render it necessary that the estates and lands of zamindars, taluqdars and others † should be attached and placed under the temporary management of the revenue authorities, without having recourse to any judicial proceeding;

and whereas it is desirable to make such legal provisions as may secure from injury the just rights and interests of individuals whose estates may be so attached under the direct authority of Government;

[It is hereby enacted as follows.]†;

2. *First*.—When the reasons stated in the preamble of this Regulation may seem to the [Government]* to require that an individual should be placed under personal restraint, without any immediate view to ulterior proceedings of a judicial nature, a warrant of commitment § shall be issued [by the Government]§ to the officer in whose custody such person is to be placed.

Proceeding
for placing
persons
under
restraint
as State
prisoners.

*This word was substituted for the words "Governor-General in Council" by the Adaptation Order.

†Certain words were omitted by the Adaptation Order.

‡These words were substituted by the Adaptation Order.

§The omission and insertion in this paragraph were made by the Adaptation Order.

Form of
warrant.

*[*Second.*—The warrant† of commitment shall be in that one of the forms set out in the Appendix‡ to this Regulation which is appropriate to the case.]

Authority of
warrant.

*[*Third.*—The warrant of commitment shall, in relation to a person to be confined for reasons connected with defence, external affairs or the discharge of the functions of the Crown in its relations with Indian States, be sufficient authority for his detention in any fortress, jail or other place in any Governor's Province or Chief Commissioner's Province, and in relation to any person to be confined for reasons connected with the maintenance of public order in a Province shall be sufficient authority for his detention in any fortress, jail or other place in that Province.]

Officer
having
custody of
State prisoners to
submit
periodical
reports.

3. Every officer in whose custody any State prisoner may be placed shall on the first of January and the first of July of each year, submit a report to the [Government]§ . . . ¶ on the conduct, the health and the comfort of such State prisoner, in order that the [Government]§ may determine whether the orders for his detention shall continue in force or shall be modified.

State prisoners in
custody of Zila or
City
Magistrate
by whom to
be visited.

4. *First.*—When any State prisoner is in the custody of a Zila . . . || Magistrate, the Judges . . . ** are to visit such State prisoner on the occasion of the periodical sessions, and they are to issue any orders concerning the treatment of the State prisoner which may appear to them advisable, provided they be not inconsistent with the orders of the *[Government] issued on that head.

State
prisoners
in custody of
other officers
by whom to
be visited.

Second.—When any State prisoner is placed in the custody of any public officer not being a Zila . . . || Magistrate, the Government will instruct either the Zila . . . Magistrate or the Judge . . . ** or any other public officer, not being the person in whose custody the prisoner may be placed, to visit such prisoner at stated periods and to submit a report to Government regarding the health and treatment of such prisoner.

* The second and third paragraphs were substituted by the Adaptation Order.

† As to direction of warrant, see State Prisoners Act, 1850 (XXXIV of 1850), General Acts, Volume I. As to places in which a State prisoner may be confined, see *ibid.* Also the State Prisoners Act, 1858 (III of 1858), sections 2 and 5, in same volume.

‡ See Annexure to this Appendix.

§ This word was substituted for the words "Governor-General in Council" by the Adaptation Order.

¶ The omission in section 3 was made by the Adaptation Order.

|| The words "or city" were repealed by the Amending Act, 1903 (I of 1903), section 4.

** The words "of circuit" were repealed by the Repealing Act, 1874 (XVI of 1874).

5. The officer in whose custody any State prisoner may be placed is to forward, with such observations as may appear necessary, every representation which such State prisoner may from time to time be desirous of submitting to the *[Government].

Representations by State prisoners to be submitted to Government.

6. Every officer in whose custody any State prisoner may be placed shall, as soon after taking such prisoner into his custody as may be practicable, report to the *[Government] whether the degree of confinement to which he may be subjected appears liable to injure his health, and whether the allowance fixed for his support be adequate to the supply of his own wants and those of his family, according to their rank in life.

Report to Government regarding confinement, etc., of prisoners.

7. Every officer in whose custody any State prisoner may be placed shall take care that the allowance fixed for the support of such State prisoner is duly appropriated to that object.

Appropriation of allowance for support.

†[7-A. (1) Where a person is, or is to be, confined in a Governor's Province under this Regulation for reasons connected with defence, external affairs or the discharge of the functions of the Crown in its relations with Indian States, the warrant of commitment, and any orders as to his release or the place of his detention shall be issued by the Central Government, and the amount of the allowance to be fixed for his support shall be fixed by the Central Government and shall be paid by the Central Government to, and applied by, the Provincial Government; and all reports and representations to be made under the foregoing provisions of this Regulation shall be submitted and forwarded both to the Central Government and the Provincial Government.

Division of functions between Central and Provincial Governments.

(2) Subject as aforesaid, all things to be done by or to the Government in relation to any persons confined or to be confined under this Regulation shall be done by or to the Provincial Government.

(3) References in the preceding sections of this Regulation to the Government shall be construed in accordance with the foregoing provisions of this section.

(4) No Government shall, in relation to any person confined or to be confined for reasons of State connected with the discharge of the functions of the Crown in its relations with Indian States, act otherwise than with the concurrence of the Crown Representative.]

8. [Application of sections 3—7 to persons already in confinement.] [Repealed by Act XVI of 1874.]

9. Whenever the *[Provincial Government], for the reasons declared in the preamble to this Regulation, shall judge it necessary to attach the estates or lands of any zamindar, Jagirdar, taluqdar or other person, without any previous decision of a Court of Justice, or other judicial proceeding, the grounds on which the resolution of Government may have been adopted, and such other information connected with the case as may appear

Attachment of estates by order of Government without decision of court.

*These words were substituted for the words "Governor-General in Council" by the Adaptation Order.

†Section 7-A was inserted by the Adaptation Order.

essential, shall be communicated . . . * to the Judge and Magistrate of the district in which the lands or estates may be situated, †[and] to . . . ‡ the Sadar Diwani Adalat and Nizam-at Adalat.

Management of attached estates.

10. *First.*—The lands or estates which may be so temporarily attached shall be held under the management of the officers of Government in the Revenue Department, and the collections shall be made and adjudged on the same principles as those of other estates held under Khas management.

Attached lands not liable to sale in execution.

Second.—Such lands or estates shall not be liable to be sold in execution of decrees of the Civil Courts, or for the realization of fines or otherwise, during the period in which they may be so held under attachment.

Government to arrange for satisfaction of decrees.

Third.—In the cases mentioned in the preceding clause the Government will make such arrangement as may be fair and equitable for the satisfaction of the decrees of the Civil Courts.

Rules as to cases where Government orders release of estate from attachment.

11. Whenever the §[Provincial Government] shall be of opinion that the circumstances which rendered the attachment of such estate necessary have ceased to operate, and that the management of the estate can be committed to the hands of the proprietor without public hazard or inconvenience the Revenue authorities will be directed to release the estate from attachment, to adjust the accounts of the collections during the period in which they may have been superintended by the officers of Government; and to pay over to the proprietor the profits from the estate which may have accumulated during the attachment.

Extent.

¶[12. This Regulation, so far as it relates to the confinement of persons for reasons connected with defence, external affairs and the discharge of the functions of the Crown in its relation with Indian States, extends to the whole of all the Governors' Provinces and Chief Commissioners' Provinces; and so far as it relates to other matters, extends to all those Provinces except Madras, Bombay and Sind.

* Certain words were omitted by the Adaptation Order.

† The word " and " was inserted by the Amending Act, 1891 (XII of 1891).

‡ The words "to the Provincial Court of Appeal and Circuit, and " were repealed by the Repealing Act, 1874 (XVI of 1874).

§ These words were substituted for the words " Governor-General in Council " by the Adaptation Order.

¶ Section 12 and the forms of commitment were inserted by the Adaptation Order.

ANNEXURE

FORMS OF COMMITMENT

Form of commitment for reasons connected with defence, external affairs, or the discharge of the functions of the Crown in its relations with Indian States

To the (*here insert the officer's designation*)

Whereas the [Governor-General in Council] [Governor-General] (*omit the inappropriate words*) for good and sufficient reasons, being reasons connected with (defence, external affairs and the discharge of the functions of the Crown in its relations with Indian States) (*omit any inappropriate words*) has seen fit to determine that (*here insert the State prisoner's name*) shall be placed under personal restraint at (*here insert the name of the place*) you are hereby required and commanded in pursuance of that determination to receive the person above named into your custody and to deal with him in accordance with the orders of the Government and the provisions of the Bengal State Prisoners Regulation, 1818.

Form of commitment in other cases

To the (*here insert the officer's designation*)

Whereas the [Governor] [Governor-General in Council] [Governor-General] (*omit the inappropriate words*) for good and sufficient reasons being reasons connected with the maintenance of public order, has seen fit to determine that (*here insert the State prisoner's name*) shall be placed under personal restraint at (*here insert the name of the place*) you are hereby required and commanded, in pursuance of that determination to receive the person above named into your custody, and to deal with him in conformity with the orders of the Government and the provisions of the Bengal State Prisoners Regulation, 1818.

APPENDIX IV

[See paragraph 974]

RULES REGARDING THE SEGREGATION OF PRISONERS ON FIRST ADMISSION TO JAIL WHEN INFECTIOUS DISEASE PREVAILS IN THE NEIGHBOURHOOD

1. When any epidemic is prevalent or infectious disease exists in the neighbourhood of the jail, or risk of communicable disease is apprehended, all new arrivals shall be specially segregated and kept under observation for ten days or such time as the Medical Officer may determine, and be seen by him daily.
2. Inexpensive huts shall be erected outside the jail in which new arrivals will be accommodated.

3. A boiler and furnace of sufficient size shall be kept outside the jail for boiling the private clothing of prisoners about to be admitted to jail.

4. During the time the prisoners are under observation the Medical Officer can determine the state of the convicts' health, detect latent or communicable disease, and fix the nature of the labour to which the convict is fitted, or, if the convict be in indifferent health, whether the case is one for hospital or the infirm gang.

5. Before entering the jail proper, prisoners who have been under observation will be thoroughly bathed and disinfected and be then provided with clean clothing.

6. The private clothing of all prisoners shall not be taken into jail or be stored until it has been boiled or disinfected, and if the clothing is polluted or contaminated or is filthy it shall be burnt.

7. No case of infectious disease shall be treated in the observation ward, and on the occurrence of a case of infectious disease in the person of a prisoner under observation, the patient shall be at once removed from the observation ward and isolated in the hut set apart for the purpose.

8. Any observation ward in which infectious disease has appeared shall be forthwith completely vacated and burnt if necessary, the healthy prisoners being disinfected and provided with fresh accommodation, and the period for which they remain under observation extended.

APPENDIX V

RULES TO BE ACTED ON *MUTATIS MUTANDIS* IF ANY PERSON WHO POSSESSES HIMSELF WITH ARMS RUNS AMOK IN A JAIL

The following rules are printed for information and may be acted on *mutatis mutandis* if any person who possesses himself with arms runs amok in the jail:—

India Army Orders.

417. Rules for dealing with soldiers who "run amok".

Mily Dept.
No. 1257-6,
d. 5-6-05.

The Government of India have approved of the following rules for dealing with soldiers who "run amok":—

(1) When an armed soldier (British or native) has broken loose in the manner commonly known as "running amok" and is at large threatening or proposing to kill anyone in particular or all or any in general, it is the duty of all officers and soldiers to take steps to effect his capture and to prevent his carrying his threats or purposes into execution.

(2) In doing this an officer or soldier is entitled to take such measures of force as may be necessary in the circumstances of the case and may take the life of the offender, if there be no other reasonable means of preventing his carrying his threats or purpose into execution. If, however, it appears from the offender's action, *e.g.*, from his laying down his arms, that he intends to surrender, he should be arrested in the ordinary way and dealt with in due course of law.

(3) It is not necessary for an officer or soldier before taking measures of force to go up to the man who is "running amok" and demand his surrender if by so doing he would incur imminent risk of losing his own life.

(4) An order to shoot down the offender in such case given by Officer or Non-Commissioned Officer is a lawful command and must be obeyed.

APPENDIX VI

POLICE SURVEILLANCE

I.—Liability to Surveillance.

1. Persons liable to police surveillance may be divided into three classes :—

- (i) Convicts released conditionally by the Provincial Government under section 401 of the Criminal Procedure Code before the expiry of their sentences.
- (ii) Convicts subject to an order passed under section 565 of the Criminal Procedure Code.
- (iii) Other released convicts who are put on the surveillance register by an executive order of the District Superintendent of Police.

2. The first class consists of transmarine convicts and jail convicts released by the Provincial Government, subject to certain conditions as to police surveillance. The form of conditional release contains the following conditions which the prisoner is required to accept before release :—

- (i) That the prisoner will proceed under police escort to his residence and will not go beyond the limits prescribed in the conditional release without the permission of the District Superintendent of Police.
- (ii) That he will personally present himself within 30 days from the date of his release, and declare his place of residence to the officer in charge of the police station within the jurisdiction of which he is residing, and will, whenever he changes his residence, similarly declare his changes of residence to the officers in charge of the police stations within the jurisdiction of which his old and new places of residences are situated.

- (iii) That he will report himself periodically at such time as may be prescribed by the District Superintendent of Police in the district in which he resides, either to the District Superintendent of Police himself or to such other person, and either personally or by letter, as the District Superintendent of Police may direct, unless the District Magistrate exempts him from making such report.
 - (iv) That he will not commit any offence punishable by any law in force in British India.
 - (v) That he will not associate with notoriously bad characters, or lead a dissolute life.
3. With reference to the above the Provincial Government has directed—
- (1) that the convicts shall not be handcuffed;
 - (2) that the police escort shall be in plain clothes;
 - (3) that the limits referred to in condition (i) within which a released convict must reside shall be the district in which his place of residence is situated;
 - (4) that the officer whose permission is necessary before the convict can go beyond those limits shall be the District Superintendent of Police of that district;
 - (5) that the report referred to in condition (iii) shall be made by the released convict twice a year, in the months of January and July, to the officer in charge of the police station within the limits of which he resides;
 - (6) that when the convict is a resident of an Indian State and is to take up his residence in his State after release, he will, if he is in jail, be transferred before release to the jail nearest the border of that State; and
 - (7) that in every case, when it is intended to transfer an Indian State prisoner before release whether with or without conditions, to the jail nearest the border of the State in which he wishes to reside, the Superintendent of the transferring jail shall intimate the fact to the Political Agent concerned through the District Magistrate at least six months before the date on which the actual release of the prisoner falls due.
4. Every conditional release of a convict is notified in the *Criminal Intelligence Gazette*.
5. The following rules have been framed by the Provincial Government under section 565, Criminal Procedure Code, to regulate the notification of residence by released convicts:—
- (1) When an order is passed under section 565, Criminal Procedure Code, the Court or Magistrate passing the order shall cause a copy of it to be attached to the warrant of commitment to the address of the Superintendent of the Jail to which the prisoner is committed.

- (2) One month before the release of a convict regarding whom such an order has been received, the Superintendent of the Jail shall enquire from the convict in what district he intends to reside and shall transfer the convict to that district for release, as in the case of a habitual convict.
- (3) On the day of release the convict shall be produced before the District Superintendent of Police, or in his absence, before the Reserve Inspector, and shall notify to such officer the town or village in which he intends to reside. In the case of a town, the convict shall specify the "mohalla" or street and shall give such further information regarding the house in which he intends to reside as may be necessary for its identification.

NOTE.--In applying the above rules to the case of any wandering man who has no fixed place of abode they may reasonably be interpreted to mean that he resides at the place where he sleeps, even if he remains there only one night. On his release from jail he may, therefore, be told that if he moves about the country he must always notify his place of temporary abode to the Police.

- (4) If the convict is a resident of an Indian State he will be transferred to the jail nearest the border of such State one month before release.

6. The third class of persons liable to police surveillance, namely, those placed on the Surveillance Register by an executive order of the District Superintendent, consists mainly of persons who have already come within reach of the law, and whose previous history indicates a determination to lead a life of crime. The manner in which this class is brought under surveillance is described as follows.

7. Any convict who belongs to any of the classes specified below will be brought immediately after conviction on to the Register of Police Registered Convicts, which will be maintained in the office of the District Superintendent in the form attached to these rules:—

- (a) All persons, whether having previous convictions or not, who, on being convicted under Chapter XII or XVII or under sections 328, 366, 372 and 373 of the Indian Penal Code, appear to be confirmed or dangerous criminals and to be likely to need surveillance after release.
- (b) All persons ordered to execute bonds under sections 109 and 110, Criminal Procedure Code.
- (c) All persons convicted under the Arms, Opium and Excise Acts who are believed to be illicit dealers in arms, opium or cocaine.
- (d) All convicted persons, not specially provided for above regarding whom it is desirable that a permanent record should be maintained.

8. Any convict registered as P. R. must be placed under surveillance. The object of the register is to provide a complete district index of all persons under surveillance and, in order to facilitate check, it should therefore be kept by station-house circles. When the District Superintendent directs the surveillance of a person to cease, the name of that person shall then be struck off the P. R. register. Conversely, the name of any person who has been brought under surveillance must be brought on to the register.

9. The District Superintendent will decide in each case whether a convict is to be registered as P. R. or not. When the result slip of a convicted case is received from the Court, the District Superintendent will record on the reverse of it an order stating whether the person convicted is to be registered P. R. or not and whether he is to be placed under surveillance. On receipt of the orders of the District Superintendent to register any convicted person as P. R. the Prosecuting Inspector will make out a P. R. slip in foil and counterfoil for the signature of the District Superintendent. In the case of a dangerous criminal belonging to a district other than that in which the conviction takes place, the P. R. slip will be marked in red ink with the letter "T", signifying transfer, and the name of the jail nearest to his home will be entered against the appropriate side heading, the object of this being to secure his release in the district where he resides so that he may be kept under proper surveillance on his release. If a P. R. convict is a resident of an Indian State, his slip should be marked "T" and the jail nearest the border of the State where the convict resides should be entered as the jail to which he should be transferred before his release. If a P. R. convict is unidentified, his slip should invariably be marked with "T" and enquiries should be set on foot to establish his identity and his residence with a view to ascertaining the jail to which he should be transferred for release. In case of a convict whose slip is marked P. R. T., the District Superintendent will intimate by a special memorandum to the Superintendent of the district where he is to be released his name, the nature of his offence, the date of his conviction, the term of his sentence, and any such further information regarding his associates, etc., as will enable that officer to decide whether to enter his name in his own P. R. register or not. A P. R. T. convict shall not be entered in the register of the district of conviction.

10. The foil of the P. R. slip, after being signed by the District Superintendent, will be sent to the jail to be attached to the convict's jail warrant and the counterfoil will remain on record in the office of the District Superintendent. The foil will accompany the convict to any jail to which he may be transferred, and, when the time of his release is at hand, it will be sent by the Superintendent of the Jail from which he is to be released to the District Superintendent of that district.

11. On receipt of a P. R. slip from the jail with intimation of the impending release of a convict, the District Superintendent should forward it to the station-house officer within whose jurisdiction the convict intends to reside and will also arrange for

having the convict properly identified and placed under surveillance on his release from jail. The station-house officer, after satisfying himself of the convict's arrival at his home, will return the slip, with a report of the action he has taken, through the Circle Inspector to his District Superintendent's office, where it will be filed. If the convict is a resident of an Indian State, the District Superintendent, on receipt of the release notice from the jail, should inform the Police authorities of the Indian State of the impending release, and should arrange to hand the convict over to them for surveillance.

12. Any convict registered as P. R. must be placed under surveillance. The entry of a convict's name in the P. R. register should immediately be intimated to the Circle Inspector and to the station-house officer, so that they may collect the necessary information for the preparation of his history sheet before he is actually released.

13. Proceedings under section 110, Criminal Procedure Code, should ordinarily not be taken until history sheet establishes a case of bad livelihood. If security has been demanded from any person under section 109 or 110, Criminal Procedure Code, before the opening of a history sheet, and there is reason to believe that the person in question is a habitual criminal, a history sheet should at once be opened.

COUNTERFOIL

P. R. SLIP

(To be endorsed "P. R. T." in red ink if convict is so classed.)

1. Full name and father's name.....with
aliases.....
2. Caste..... 3. Village.....
4. Police Station..... 5. District.....
6. Section of offence.... 7. Sentence....
8. Date..... 9. Court.....
10. If P. R. T. Jail from which to be
released.....
11. Date of issue of foil to Jail.....

FOIL

P. R. SLIP

(To be endorsed "P. R. T." in red ink if convict is so classified. The letters P.R. or P.R.T. to be entered in red ink against the name in the Jail Admission Register and History Ticket.)

1. Full name, father's name and
aliases.....
2. Caste..... 3. Village.....
4. Police Station..... 5. District.....
6. Section of offence.... 7. Sentence.....
8. Date 9. Court....
10. If P. R. T. Jail from which to be
released
11. Date of issue of foil to Jail
.....
12. Signature of Superintendent of
Police.....

(To be filled in by Jail Department before returning the slip as Release Notice.)

COUNTERFOIL

P. R. SLIP

12. Date of issue of duplicate to native.....
District.....

 13. Date of receipt of foil from Jail.....
 14. Date of despatch to S. H. O. con-
 cerned.....

FOIL

P. R. SLIP

13. Prisoner's number in Prison Re-
 gister.....
 14. Date of release or death.....
 15. Former residence as stated
 warrant.....
 16. Proposed residence.....
 Village.....Village.....
 Police Station.....Police Sta-
 tion.....
 District.....District.....
 17. Remission and conditions.....

 18. Character in Jail.....
 19. Identifying Officer or Warders

 20. Signature of Superintendent of
 Jail.....
 21. Certified that the released convict
 returned to his home on.....
 (If the *ex*-convict has been ordered
 to be brought under surveillance or
 to have his history sheet written up.)
 2. Certified that the *ex*-convict has
 been entered in the Surveillance
 Register as entry No.....
 3. Certified that the history sheet
 No.....Village.....has been
 opened for the *ex*-convict.
 Signed S. H. O.....
 Countersigned C. I.....

APPENDIX VII

[See paragraph 461 (2).]

LIST OF BACKWARD TRIBES IN THE
CENTRAL PROVINCES AND BERAR

- | | |
|---|---|
| 1. Gond (including Raj-Gond) | 29. Majhwar. |
| 2. Kavar (or Kanwar, including Tanwar). | 30. Kharia. |
| 3. Maria. | 31. Saunta. |
| 4. Muria. | 32. Kondh. |
| 5. Halba. | 33. Nihal or Naha. |
| 6. Pardhan or Pathari. | 34. Birhul (or Birhor). |
| 7. Oraon. | 35. Rautia. |
| 8. Binjhwar. | 36. Pando. |
| 9. Andh. | 37. Thotya. |
| 10. Bharia-Bhumia. | 38. Thathia. |
| 11. Koli. | 39. Gaiki. |
| 12. Bhattra. | 40. Bhimma. |
| 13. Baiga. | 41. Dholi. |
| 14. Kolam. | 42. Mannewar. |
| 15. Bhil. | 43. Moghya (really a division of Ojha). |
| 16. Bhuinhar. | 44. Chherkya. |
| 17. Dhanwar. | 45. Agaria (including Asur and Mahli). |
| 18. Bhaina. | 46. Arakh. |
| 19. Parja. | 47. Bhillala. |
| 20. Kamar. | 48. Kalanga. |
| 21. Bhunjia. | 49. Naik r. |
| 22. Nagarchi. | 50. Dhoba (Mandla district). |
| 23. Ojha. | 51. Banjara. |
| 24. Korku. | 52. Wanjari. |
| 25. Kol. | 53. Gowari. |
| 26. Nagasia. | 54. Bhuta or Koilabhuta. |
| 27. Sawara. | |
| 28. Korwa. | |

EX-100-1001



EX-100-1001

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AMENDMENTS

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